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- 116 To confer powers on Trustees & Executors-
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- 131 Selection of Jurors for the County of York-
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- 133 " " " Wm. Cardwell &c &c.
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- End -

1st Reading
2nd "
3 "

Nov 6. 1868.
" 23. "
Dec 4 1869

No. 2.]

BILL.

[1868.

An Act to amend Chapter one hundred and nineteen of the Consolidated Statutes of Upper Canada, so far as it relates to fees to Sheriffs.

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Assembly of Ontario, enacts as follows :—

1. Clause number two, of chapter one hundred and nine- Sec. 2, Chap.
teen of the Consolidated Statutes of Upper Canada, entitled, 119, Con. Stat.
5 "*An Act respecting the Fees of Counsel, and other Ministers of U. C. re-*
"*Justice,*" is hereby repealed. pealed.

2. The table of fees appended to this Act, as made and es- Fees in
tablished by the Judges of the Superior Courts of Common criminal
Law at Toronto, by rule of Court of Easter Term, in the thirty- matters.
10 first year of Her Majesty's reign, dated the sixth day of June,
one thousand eight hundred and sixty-eight, shall upon and
from and after the first day of January, one thousand eight
hundred and sixty-nine, be and constitute the fees to be taken
by Sheriffs for, or in respect of, any criminal business by them
15 done and transacted in either of the said Courts in criminal
prosecutions, and in all matters, causes and proceedings which
regard the Queen's revenue, and in all prosecutions, matters and
proceedings, under any Commission or Court of Oyer and
Terminer and General Gaol Delivery, until otherwise provided
20 by the Legislature.

3. The Schedule of fees established by the said Courts, and Fees to
in force at the passing of this Act, to be taken by Constables, Coroners, &c.
Coroners, Clerks of the Peace, and Criers, in respect of any such
matters, prosecutions and proceedings as in the said clauses
25 mentioned, shall remain and continue in force until otherwise
provided by Act of the Legislature.

TARIFF OF FEES REFERRED TO IN SECTION 2.

IN THE COURT OF QUEEN'S BENCH,

AND

IN THE COURT OF COMMON PLEAS.

PROVINCE OF ONTARIO,
Easter Term, 31st Victoria,
Saturday, the Sixth day of June, A.D. 1868.

It is ordered that a certain Rule of the Court of Queen's

Bench of Upper Canada, now Ontario, made in Michaelmas Term, 9th Victoria, on Saturday, the fifteenth day of November, A.D. 1845, be amended, by striking out so much of the Tariff of Fees annexed thereto as applies to Sheriffs, and by substituting therefor the Tariff of Fees hereto annexed.

(Signed,)	WM. B. RICHARDS, C. J. C. P.
do	JOHN H. HAGARTY, J.
do	ADAM WILSON, J. C. P.
do	JOS. C. MORRISON, J.

Certified,
L. HEYDEN,
Clerk of the Crown and Pleas.

TARIFF OF FEES, CRIMINAL JUSTICE.

	\$ cts.
Notice of appointment to the Associate Justices of Oyer and Terminer, each.....	0 50
Attending the Assize, per diem.....	5 00
Attending Quarter Sessions, per diem.....	4 00
Summoning each Grand Jury for the Assizes or Quarter Sessions.....	12 00
Summoning each Petit Jury for the Assizes or Quarter Sessions.....	24 00
For every Prisoner discharged from Gaol, having been committed by warrant for Trial at the Assizes, Quarter Sessions, Mayor's or Recorder's Courts.....	1 00
Bringing up each Prisoner for arraignment, trial and sentence—in all for each Prisoner, whether convicted or acquitted.....	2 00
Drawing Calendar of Prisoners for Trial at the Assizes, including copies.....	5 00
Advertising the holding the Assizes.....	4 00
Advertising the holding the Quarter Sessions.....	2 00
Every Annual or General Return required by Law or by the Government respecting the Gaol or the Prisoners therein.....	5 00
Every other Return made to the Government.....	4 00
Every Return to the Sessions required by Statute, or by order of the Court.....	2 00
Drawing Calendar of Prisoners for Trial at the Quarter Sessions or Recorder's Court, including copies.....	3 00
Returning Precepts to the Assizes or Sessions.....	4 00
Conveying Prisoners to the Penitentiary or Reformatory, or to another County (exclusive of disbursements) for each day necessarily employed.....	6 00
Arrest of each individual upon a warrant to be paid out of the Public Funds or by the party, (<i>as the case may be</i>).....	2 00
Serving subpoena upon each person to be paid out of the Public Funds, or by the party (<i>as the case may be</i>)...	0 50

Travelling in going to execute warrant or serve subpoena, 10 cts. per mile, and the same charge per mile actually travelled in returning with a prisoner; where the service has not been effected, the Justices in Session to be satisfied that due diligence has been used, to be paid out of the Public Funds or by the party, (<i>as the case may be</i>).	
Conveying Prisoners on attachment, Judge's order, or <i>Habeas Corpus</i> to another County, exclusive of disbursements where no charge allowed by Law, for each day necessarily employed, to be paid out of the Public Funds or by the party, (<i>as the case may be</i>).....	\$ 6 00
Making return upon attachment or writ of <i>Habeas Corpus</i> , to be paid out of the Public Funds, or by the party, (<i>as the case may be</i>).....	2 00
Levying fines or issues on recognizances estreated or other process, £5 per £100 on the first £100 of the sum levied, exclusive of mileage, at 10 cts. per mile, to be levied under Con. Stat. Upper Canada, Chapter 119, Sec. 3, and on all sums above £100 the same allowance as on executions in civil proceedings.	
Carrying into execution the sentence of the Court in Capital cases—all such sums as shall be unavoidably disbursed, to be taxed by the Court or Judge who passed the sentence.	
Attending and superintending the execution in such cases.....	20 00
Summoning each Constable to attend the Assizes or Quarter Sessions, exclusive of mileage at 10 cts. a mile.....	0 50
Keeping a Record of Jurors who have served each Court.	2 00
All disbursements actually and necessarily made in guarding prisoners, or in their conveyance to the Penitentiary, to any other District, or elsewhere, or for other purposes in the discharge of the duties of his office (where not provided for by law nor hereinbefore specifically,) to be rendered in account in detail with proper vouchers to the satisfaction of the Justices in Sessions to be by them allowed.	

No. 2.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to Amend Chapter 119 of the Consolidated Statutes of Upper Canada, so far as it relates to fees to Sheriffs.

First reading, Nov. 6, 1868.

Second reading, Nov. 10, 1868.

Attorney General MACDONALD.

ture of any public moneys, as aforesaid, gives or enters into any bond or other security, for the due performance of the trust reposed in him, or for the due accounting for of public money intrusted to him, and every surety in any such bond shall make the affidavit in the form A, hereto annexed, before a Justice of the Peace, and shall cause every such bond or security to be proved, as to the due execution thereof, by an affidavit of the attesting witness in the form B annexed to this Act, made before a Justice of the Peace, and shall cause every such bond or security, with the said affidavits thereto annexed, to be recorded at full length at the Office of the Secretary and Registrar of this Province, in manner hereinafter mentioned, and shall forthwith, after such registration, deposit the original bond or security, and the said affidavits thereto annexed, at the Office of the Treasurer of the Province.

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Time within which it is to be done.

2. And every such bond or security, and the said affidavits thereto annexed, shall be recorded and deposited, as aforesaid, within one month after being entered into or given, if the person on whose behalf it is entered into or given resides or is in Canada; and if he is absent from Canada, then within three months after being entered into or given, unless such person arrives sooner in Canada, and then within one month after such arrival.

Entry of bond and certificate thereof.

4. The Secretary and Registrar of the Province shall make an entry, and shall, if required, give a certificate in writing under his hand and seal, of every such bond or security brought to him to be registered, as aforesaid, and therein shall mention the day on which such such bond or security is so registered, expressing also in what book, page or number the same is recorded.

Separate book to be kept for the purpose.

2. For the purpose of so registering bonds or securities under this Act, the said Secretary and Treasurer shall provide a separate Register Book, every page of which, and every bond or security recorded therein, shall be numbered; and the day of the month and year when every such bond or security is registered, shall be entered in the margin of the said Register Book, and in the margin of the bond or security; provided always that no bond or security given by any person under this Act to Her Majesty, her Heirs, or Successors, shall constitute any other or greater lieu or claim upon the lands or tenements, goods or chattels of such person, than if such bond had been given to one of Her Majesty's subjects.

Provisos as to the lieu.

Alphabetical lists of names to be kept.

3. The said Secretary and Registrar shall keep separate alphabetical lists of the names of the principals and of the names of the sureties mentioned in such bonds or securities, with reference to the book, page or number where the bonds or securities containing such names are to be found, and shall enter and register the said bonds or securities in the same order of time in which they respectively come to his hands.

Order of entry.

Commission may be declared avoided for non-compliance.

5. If any person who, by reason of his appointment to or holding any such civil office or employment, or commission in any public department, or of public trust, as aforesaid, or who, by reason of being concerned in the collection, receipt, disbursement or expenditure of any public money, as aforesaid, is re-

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- quired or bound to give any such security, or to register and deposit any such bond or security, as aforesaid, neglects to give such security, or to cause such bond or security to be duly registered and deposited in the manner and within the period 5 in this Act prescribed, he shall be liable to forfeit the appointment, office, employment or commission, in respect whereof such security ought to have been given; and such bond or security, registered and deposited, as aforesaid, and his appointment or commission shall be void from and after the time when the 10 Governor-Lieutenant declares the same to be avoided under this Act; but such avoidance shall not annul or make void any act or order or other matter or thing done by such person during the time he actually held such appointment, office, employment or commission. Avoidance not to annul acts done.
- 15 2. No such forfeiture shall take place by reason of any such bond or security not being registered or deposited, where the Exceptions, proper sureties have been given and the proper bond made out, and when the failure of registry and deposit have arisen from the loss of such bond or security in the transmission thereof 20 from a distance; but in every such case a new bond or security, specifying the reason of such delay, shall be made out and signed, registered and deposited, within the like period after the person giving such security receives notice of the loss (regard being had to the place where he then is) as is required 25 by this Act for the registry thereof if such loss had not occurred.
6. Every such person as aforesaid, who has given any bond or other security, with surety or sureties for the due execution of the trust reposed in him, or for duly accounting for public moneys coming to his hands, shall give notice in writing to the 30 Secretary and Registrar of this Province, or to the principal officer or person of the Department to which he belongs, of the death, bankruptcy, insolvency, or residence out of this Province of any surety or person bound for or with him in any such security. Notice to be given of death, &c., of surety.
- 35 2. Such notice shall be given within one month after the fact comes to the knowledge of such person as aforesaid, if he then is or resides in this Province, or within three months if he be out of Canada (unless he sooner arrives in Canada, and then within one month after such arrival): and any person 40 who neglects to give such notice within such period as aforesaid, shall forfeit, to the use of Her Majesty, one-fourth part of the sum for which the surety so dead, or bankrupt or insolvent, or resident out of this Province, became security, to be recovered in any Court of competent jurisdiction, by action of debt, or 45 information at the suit of the Crown; Delay for giving notice. Penalty for neglect.
3. And every such person who, upon the death, bankruptcy, insolvency, or residence out of this Province of any surety, neglects to give the security of another surety, to be approved in like manner as such surety dying or becoming bankrupt, insol- 50 vent or resident out of this Province, was approved, within such period from his having given notice of the death, bankruptcy or insolvency, or residence out of this Province, of the former surety, as is by this Act limited for giving, registering Neglect to provide new surety.

punishable by
forfeiture of
appointment.

and depositing the original security—or neglects to register and deposit the bond or security of such new surety, within such period from his having given the security of such new surety, as is by this Act limited for the registering and depositing of the original bond or security (the same regard being had 5 to the place in which the person may then be), shall be liable to forfeit the appointment, office, employment or commission, in respect whereof such new security ought to have been given, and such new bond or security registered and deposited, as aforesaid; and his appointment or commission shall be void 10 from and after the time when the Lieutenant Governor declares the same to be avoided, in like manner, and under and subject to such provisions as aforesaid.

How sureties
of public offi-
cers may re-
lieve them-
selves from
further re-
sponsibility.

7. When any person has become surety to the Crown for the due accounting for public moneys, or the proper performance of 15 any public duty, by any such person as aforesaid, such surety, when no longer disposed to continue such responsibility, may give notice thereof to his principal, and also to the Secretary and Registrar of this Province—and all accruing responsibility on the part of such person as such surety shall cease at the 20 expiration of three months from the receipt of the last of such notices; and the principal shall, within that period, give the security of another surety, and register and deposit the bond of such new surety, or in default of so doing, shall be liable to forfeit and be deprived of the appointment, office, employment 25 or commission in respect whereof such new security ought to have been given, and such new bond or security registered and deposited as aforesaid; and his appointment or commission shall be void from and after the time when the Lieutenant Governor declares the same to be avoided, in like manner, and 30 under and subject to such provisions as aforesaid.

Lieutenant
Governor may
remit penalty
in certain
cases.

8. The Lieutenant Governor in Council may remit the forfeiture or penalty in any case in which the failure to give security, or to register and deposit any bond or security under this Act has not arisen from any wilful neglect of the person bound 35 to give register or deposit the same:—

Or may ex-
tend delay for
giving secu-
rity, &c,

2. And if it appears to the Lieutenant Governor that the period hereinbefore limited for giving the security of a new surety as aforesaid is, in consequence of particular accidents, casualities or circumstances, insufficient, or that by reason of 40 the distance or loss of letters, or illness, or the refusal of any surety to give the security, or of such surety not being deemed eligible and being rejected, or any other accident or casualty, further time will be necessary to enable the security of such new surety to be given—the Lieutenant Governor in Council 45 may allow such further period for giving the security of such new surety as appears to him reasonable and proper;

But not for
more than two
months, and
an entry must
be made,

3. But such extended period shall in no case exceed two months beyond the period allowed by this Act; and the precise period proposed to be allowed, together with the special grounds 50 for allowing the same, shall be either entered in the book in which the original security has been registered, or indorsed on the back of the original bond or other security itself; and the person required to give the security of such new surety shall not be subject to any forfeiture or penalty for not giving the 55 same within the time limited by this Act if he gives it within the extended period so allowed as aforesaid.

9. The Lieutenant Governor may approve of the security given, or the affidavit of qualification filed by any public officer of this Province, although the same has been given or filed after the time limited by this Act, and in such case the office or commission of such public officer shall be deemed not to have been avoided by such default, but to have remained and to remain in full force and effect.

10. No act of any public officer of this Province whose security has been given, or registered, or deposited, or whose affidavit of qualification has been filed after the time limited by this Act, shall by such default be void or voidable.

Acts of public officers not void or voidable for delay in giving security, &c.

11. Where the securities of the principal and sureties have been executed at different times (whether they were taken in one and the same bond, deed or other instrument, or in different ones), the period limited for registering and depositing such securities shall be estimated from the time of execution thereof by the person who was the last to execute the bond, deed or other instrument, or the last bond, deed or other instrument, as the case may be.

Securities executed at different times within what delay to be registered.

12. No neglect, omission or irregularity, in giving or receiving the bonds or other securities, or in registering the same, within the periods or in the manner prescribed by this Act, shall vacate or make void any such bond or security, or discharge any surety from the obligations thereof.

Neglect, &c., not to vacate bond or discharge surety.

13. All bonds or other securities hereby required to be registered and deposited, shall be registered and deposited by the proper officer, notwithstanding the period prescribed for registering and depositing the same has expired; but no such registering and depositing of any such bond or other security shall be deemed to waive any forfeiture or penalty, or shall exempt the person on whose behalf the same are registered and deposited from any forfeiture or penalty under any of the provisions of this Act.

Proper officer to register and deposit bonds even after delay expired, but no exemption from penalty to ensue.

14. Nothing in any of the preceding sections of this Act shall apply to or affect any officer of any department, with respect to which special provision is made by law for the giving of security by its officers and the enacting of security from them, unless such special provision does not extend or apply to such officer.

15. The Secretary and Registrar of this Province shall cause to be prepared, for the information of the Legislative Assembly of this Province, within fifteen days after the opening of every Session thereof, a detailed statement of all bonds or securities registered as aforesaid at his office, and of any changes or entries that have been made in reference to the names and residence of any sureties, and of the amounts in which they have become severally liable, since the period of the previous return submitted to the said Legislative Assembly.

Statements of bonds to be laid before Parliament.

16. The Lieutenant Governor in Council may, by Order in Council, direct that whenever any public officer of this Province is required to give security as aforesaid, for the due

Governor in Council may authorize se-

curity of cer-
tain Com-
panies to be
accepted for
officers of
Canada.

performance of the trust reposed in him, and for his duly accounting for all public moneys entrusted to him or placed under his control, or for the due fulfilment in any way of his duty, or of any obligation undertaken towards the Crown, the Bond or Policy of Guarantee of the European Assurance Society, mentioned in the Imperial Act twenty-second Victoria, chapter twenty-five, or of any Incorporated or Joint Stock Company, incorporated and empowered for like purposes, named by such Order in Council, may be accepted as such security, upon such terms as shall be determined by the Lieutenant Governor in Council.

17. All bonds and securities heretofore given by any public officer and his sureties, or any of them, under any law of the late Province of Canada, shall be held to be and continue valid and binding, notwithstanding the changes effected by the British North American Act 1867; subject nevertheless to the right of the sureties therein named to relieve themselves from liability in the manner provided for that purpose by this Act, or by the Act under which such bonds or securities were given.

FORM A, referred to in Section 3.

County of _____,) I, A. _____ B. _____, the
Province of Ontario. } obligor (or one of the sureties) in the
annexed Bond named, make oath and say as follows:

1. I am seized and possessed to my own use of real (or real and personal) estate, in the Province of Ontario, of the actual value of (the amount for which the party has become liable by the bond) dollars, over and above all charges upon and incumbrances affecting the same.

2. My Post Office address is as follows: (insert the name of the post office).

Sworn before me at _____, in the County (or
United Counties) of _____, this _____ day
of _____ 186 ..

A. B.,
J. P. for the County of _____

FORM B, referred to in Section 3.

County of _____,) I, G. _____ H. _____
Province of Ontario. } of the _____ of
make oath and say as follows:

I. That I am the person whose name is subscribed to the annexed bond as (one of) the attesting witness to the execution thereof, and that the signature

set and subscribed thereto as such attesting witness, is of my proper handwriting—and that my name and addition are correctly above set forth.

2. That I was present and did see the said Bond duly signed and executed by the several parties thereto (*or by A. B. and C. D., two of the parties executing the same—as the case may be*).

3. That I am well acquainted with all the said parties (*or with the said A. B. and C. D.*).

Sworn before me at _____ in the County (or
United Counties of _____, this
day of _____, 186 _____

E. F.,
J. P. for the County of _____

No. 3.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act respecting securities to be given by
Officers of Ontario.

Received and read first time, Nov. 6, 1868.

Second Reading, Nov. 10, 1868.

Attorney General MACDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 4.]

BILL.

[1868.

An Act to define the privileges, immunities and powers of the Legislative Assembly, and to give summary protection to persons employed in the publication of Sessional Papers.

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Assembly, enacts as follows:

1. The Legislative Assembly, and the Members thereof respectively, shall hold, enjoy and exercise such and the like 5 privileges, immunities and powers, as are held, enjoyed and exercised by the Commons House of Parliament of the Dominion of Canada, and by the Members thereof. Privileges, &c., to be the same as those of the House of Commons of the Dominion.

2. Such privileges, immunities and powers shall be deemed to be, and shall be part of the General and Public Law of 10 Ontario, and it shall not be necessary to plead the same, but the same shall in all Courts in Ontario, and by and before all Judges be taken notice of judicially. To be noticed judicially.

3. Upon any inquiry touching the privileges, immunities and powers of the Legislative Assembly, or of any Member 15 thereof, any copy of the Journals of such Assembly, printed or purporting to be printed by the order of the same, shall be admitted as evidence of such Journals by all Courts, Justices, and others, without any proof being given that such copies were so printed. Printed copy of journals to be evidence thereof.

4. Any person who shall be a Defendant in any civil or 20 criminal proceedings commenced or prosecuted in any manner soever for or on account of or in respect of the publication of any report, paper, votes or proceedings, by such person or by his servant, by or under the authority of the Legislative 25 Assembly, may bring before the Court in which such proceedings shall be so commenced or prosecuted or before any Judge of the same, first giving twenty-four hours' notice of his intention so to do to the prosecutor or plaintiff in such proceeding or to his Attorney or Solicitor, a certificate under the hand of 30 the Speaker or Clerk of the Legislative Assembly, stating that the report, paper, votes or proceedings as the case may be, in respect whereof such civil or criminal proceedings shall have been commenced or prosecuted, was or were published by such person or by his servant, by order or under the 35 authority of the Legislative Assembly, together with an affidavit verifying such certificate; and such Court or Judge shall thereupon immediately stay such Civil or Criminal proceedings, and the same and every Writ or Process issued therein shall be and shall be deemed and taken to be finally put an end to, 40 determined and superseded by virtue of this Act. In suit, &c., for publishing Court or Judge may stay proceedings, on proof that the publication in question was by authority of Assembly.

The like in
cases com-
menced here-
after.

5. In case of any civil or criminal proceeding hereafter to be commenced or prosecuted for or on account or in respect of the publication of any copy of such report, paper, votes or proceedings, the Defendant at any stage of the proceeding may lay before the Court or Judge such report, paper, votes or proceedings, and such copy, with an affidavit verifying such report, paper, votes or proceedings, and the correctness of such copy, and the Court or Judge shall immediately stay such Civil or Criminal proceedings, and the same and every Writ or Process issued therein, shall be and shall be deemed to be finally put an end to, determined and superseded by virtue of this Act. 5 10

Such proof
may be made
under the plea
of general
issue.

6. It shall be lawful in any Civil or Criminal proceeding in Ontario to be commenced or prosecuted for printing any extract from or abstract of any such report, paper, votes or proceedings, to give in evidence under the general issue or denial, such report, paper, votes or proceedings, and to show that such extract or abstract was published *bona fide* and without malice, and if such shall be the opinion of the Jury, a verdict of not guilty shall be entered for the Defendant. 15 20

No. 4.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to define the privileges, immunities and powers of the Legislative Assembly, and to give summary protection to persons employed in the publication of Sessional Papers.

Received and read, first time, Nov. 6, 1868.

Second Reading, Nov. 10, 1868.

Attorney General MACDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1st Reading 6 March 1868
2nd " 10 " "
3rd " 19 " "
Reported & passed

No. 5.] BILL. [1868.

An Act for continuing the Legislative Assembly of Ontario, in case of the demise of the Crown.

WHEREAS the welfare of this Province might be exposed Preamble.
to great dangers, if the Legislature of Ontario, should
be dissolved by the demise of Our Sovereign Lady Queen Vic-
toria (whom God long preserve), or by the demise of any of
5 Her Majesty's Heirs and Successors; for remedy thereof, Her
Majesty, by and with the advice and consent of the Legislature
of Ontario, enacts as follows:

1. No Legislature, heretofore or hereafter summoned, or The Legisla-
called in and for the Province of Ontario, shall determine or be ture shall not
10 dissolved by the demise of the Crown, but such Legislature be dissolved
shall continue, and may meet, convene and sit, proceed and act, by the de-
notwithstanding such demise of the Crown, in the same manner mise of the
as if such demise had not happened. Crown.

2. Nothing in the next preceding section shall alter or Power to pro-
15 abridge the power of the Crown to prorogue or dissolve the rogue or dis-
said Legislature. solve not af-
ected.

No 5.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act for continuing the Legislature, in
case of the demise of the Crown.

Received and read, first time, Nov. 6, 1868.

Second Reading, Nov. 10, 1868.

Attorney General MACDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1st Reading 6th November 1868
2nd Reported without amendment *referred to*
3rd Reading 20 November 1868

No. 6.]

BILL.

[1868.

An Act to provide for Oaths to Witnesses being administered in certain cases for the purposes of the Legislative Assembly.

WHEREAS it is expedient that the Select Committees of Preamble.
the Legislative Assembly on Private Bills should be enabled to administer an oath to the witnesses examined before them; Therefore, Her Majesty, by and with the advice and
5 consent of the Legislative Assembly of Ontario, enacts as follows:—

1. Any Select Committee of the Legislative Assembly to which any Private Bill has been referred by that House, may examine witnesses upon oath, upon matters relating to such Bill, and for that purpose the Chairman or any Member of such
10 Committee may administer an oath to any such witness.
- Select Committees of the
Legislative Assembly
may examine
witnesses
upon oath.

No. 6.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to provide for Oaths to Witnesses
being administered in certain cases, for
the purposes of the Legislative Assembly.

Received and read, first time, Nov. 6, 1868.

Second Reading, Nov. 10, 1868.

Attorney General MACDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 7.]

BILL.

[1868.

An Act to secure the Independence of the Legislative Assembly.

HER Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows: Preamble.

1. Except as hereinafter specially provided—

(1.) No person accepting or holding any office, commission or employment either in the service of the Government of Ontario, or in the service of the Dominion of Canada, at the nomination of the Crown, to which an annual salary, or any fee, allowance or emolument in lieu of an annual salary from the Crown is attached, shall be eligible as a Member of the Legislative Assembly, nor shall he sit or vote in the same during the time he holds such office, occupation or employment; No person holding an office of emolument under the Government of Ontario, to be member of the Legislative Assembly.

(2.) Nothing in this section shall render ineligible as aforesaid, any person being a Member of the Executive Council, or holding any of the following offices, that is to say: Attorney General, Secretary and Registrar of the Province, Treasurer of the Province, Commissioner of Crown Lands, or Commissioner of Agriculture and Public Works, or shall disqualify him to sit or vote in the Legislative Assembly, provided he be elected while holding such office, and not otherwise disqualified; Exception as to Members of the Executive Council, or persons holding certain Offices. Proviso.

3. Nothing in this section shall render ineligible, as aforesaid, or disqualify to sit or vote in the Legislative Assembly, any Officer of Her Majesty's Army or Navy, or any Officer of the Militia or Militiaman (except Officers on the Staff of the Militia receiving permanent salaries) unless he be otherwise disqualified; Exception as to Officers in the Army, Navy or Militia.

(2.) No Senator or Privy Councillor of the Dominion of Canada shall be eligible as a Member of the Legislative Assembly, nor shall he sit or vote in the same. No Senator or Privy Councillor eligible.

3. No person whosoever holding or enjoying, undertaking or executing, directly or indirectly, alone or with any other, by himself or by the interposition of any trustee or third party, any contract or agreement with Her Majesty, or with any Public Officer or Department, with respect to the public service of Ontario, or under which any public money of Ontario is to be paid for any service or work, shall be eligible as a Member of the Legislative Assembly, nor shall he sit or vote in the same. No public contractor to be a member of the Legislative Assembly.

Election of persons disqualified, to be null.

4. If any person hereby disqualified or declared incapable of being elected a Member of the Legislative Assembly, is nevertheless elected and returned as a member, his election and return shall be null and void.

No disqualified person shall sit or vote.

5. No person disqualified by the next preceding sections or by any other law, to be elected a Member of the Legislative Assembly, shall sit or vote in the same while he remains under such disqualification :

Penalty for so doing.

2. And if any person disqualified or declared incapable of sitting or voting in the Legislative Assembly, by the first, second or third sections, sits or votes therein, he shall thereby forfeit the sum of two thousand dollars, for each and every day on which he so sits or votes ; and such sum may be recovered from him by any person who will sue for the same, by action of debt, bill, plaint or information in any Court of competent civil jurisdiction in Ontario.

How recoverable.

Member accepting Office to vacate his seat.

6. If any Member of the Legislative Assembly, by accepting any office or becoming a party to any such contract or agreement, as in the third clause mentioned, becomes disqualified by law to continue to sit or vote in the same, his election shall thereby become void, and the seat of such Member shall be vacated, and a Writ shall, in the manner provided by the twelfth section of this Act, issue for a new election as if he were naturally dead ; but he may be re-elected if he be not declared ineligible under this Act.

May be re-elected under sec. 1, par. 2.

Certain Officers may resign one office and accept another within a month without vacating.

7. Nevertheless, whenever any person holding the office of Attorney General, Secretary and Registrar of the Province, Treasurer of the Province, Commissioner of Crown Lands, or Commissioner of Agriculture and Public Works, and being at the same time a Member of the Legislative Assembly, resigns his office, and within one month after his resignation accepts any other of the said offices, he shall not thereby vacate his seat in the said Legislative Assembly.

Executive Councillors sitting or voting in House of Commons to forfeit his office, &c.

8. If any Member of the Executive Council of Ontario shall, whilst he holds such office, sit or vote as a Member of the House of Commons for the Dominion of Canada, he shall thereby forfeit his said office of Executive Councillor, and his appointment as such Executive Councillor shall from thenceforth be and become null and void, and he shall be incapable of being re-appointed to or holding the office of Executive Councillor of Ontario so long as he shall be a Member of the House of Commons of Canada.

Members may resign their seats.

9. Any Member of the Legislative Assembly may voluntarily resign and vacate his seat in the manner hereinafter provided.

Proceedings in such case for issue of new writ, by notice in the House.

10. Any such Member wishing to resign his seat, may do so by giving in his place in the Legislative Assembly notice of his intention to resign it, in which case and immediately after such notice has been entered by the Clerk on the Journals of the House, the Speaker shall address his Warrant under his hand and seal, to the Clerk of the Crown in Chancery, for the issue of a Writ for the election of a new member in the place of the member resigning ;

2. Or such member may address and cause to be delivered to the Speaker a declaration of his intention to resign his seat, made in writing under his hand and seal before two witnesses, which declaration may be so made and delivered either during
 5 a Session of the Legislature, or in the interval between two Sessions,—and the Speaker shall upon receiving such declaration forthwith address his Warrant under his hand and seal to the Clerk of the Crown in Chancery, for the issue of a Writ for the Election of a new Member in the place of the Member so
 10 resigning, and a Writ shall issue accordingly,—and an entry of the declaration so delivered to the Speaker shall be there-
 after made in the Journals of the House:

Or by notice in writing to the Speaker.

Speaker's warrant.

Entry in Journals.

3. And the Member so tendering his resignation, shall be held to have thereby vacated his seat and ceased to be a Mem-
 15 ber of the said Legislative Assembly.

Seat vacated on such notice.

11. But no Member shall so tender his resignation while his election is lawfully contested, nor until after the expiration of the time during which it may by law be contested on other grounds than corruption or bribery.

No member to resign while his seat is contested.

20 12. If any Member of the Legislative Assembly wishes to resign his seat in the interval between two Sessions of the Legislature, and there is then no Speaker, or if such Member be himself the Speaker,—he may address and cause to be delivered to any two Members of the House, the declaration before men-
 25 tioned of his intention to resign, and such two Members, upon receiving such declaration, shall forthwith address their warrant under their hands and seals to the Clerk of the Crown in Chancery, for the issue of a new writ for the election of a Member in the place of the Member so notifying his intention to resign,
 30 and such Writ shall issue accordingly:—And the member so tendering his resignation shall be held to have vacated his seat and cease to be a Member of the House.

Proceedings when a member wishes to resign, when there is no Speaker, or the member be himself the Speaker.

13. If any vacancy happens in the Legislative Assembly, by the death of any Member, or by his accepting any Office, or by
 35 his becoming a party to any contract as mentioned in the third section of this Act, the Speaker on being informed of such vacancy by any Member of the House in his place,—or by notice in writing under the hands and seals of any two Members of the House,—shall forthwith address his warrant to the Clerk
 40 of the Crown in Chancery for the issue of a new writ for the election of a Member to fill the vacancy, and a new writ shall issue accordingly:

Proceedings in case of vacancy, by death or acceptance of office.

2. And if when such vacancy happens, or at any time there-
 after before the Speaker's warrant for a new writ has issued,
 45 there be no Speaker of the House, or the Speaker be absent from the Province, or if the Member whose seat is vacated be himself the Speaker,—then, any two Members of the House may address their warrant under their hands and seals to the Clerk of the Crown in Chancery for the issue of a new writ for
 50 the election of a Member to fill such vacancy, and such writ shall issue accordingly.

If the Speaker is absent from Canada, or there is no speaker.

14. A warrant may issue under the hands and seals of any two Members elect of the Legislative Assembly to the Clerk of the

Warrant for filing a va-

cancy before
Parliament
meets after a
general Elec-
tion.

Crown in Chancery for the issue of a new writ for the election of a Member of the Legislative Assembly, to fill up any vacancy arising subsequently to a general election and before the first meeting of Parliament thereafter, by reason of the death or other of the causes aforesaid, and such writ may issue at any 5 time after such vacancy.

Proviso: sav-
ing right of
any person to
contest.
Election Com-
mittee to de-
cide, &c.

2. But the election to be, held under such writ, shall not in any manner affect the rights of any person entitled to contest the previous election; and the report of any Election Com- 10 mittee appointed to try such previous election, shall determine whether the Member who has so died or whose seat has become so vacant as aforesaid, or any other person, was duly returned or elected thereat, which determination, if adverse to the return of such Member and in favour of any other candidate, shall avoid the election held under this section, and the candidate 15 declared duly elected at the previous election shall be entitled to take his seat as if no such subsequent election had been held.

15. This Act shall take effect upon and from and after the dissolution of the present Legislative Assembly. 20

No. 7.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to secure the Independence of the
Legislative Assembly.

Received and read, first time, Nov. 6, 1868.

Second Reading, Nov. 10, 1868.

Attorney General MACDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

18th Reading 6th Novemr 1868
Discharged 17 " "

MR. BLAKE.

No. 8.]

BILL.

[1868.

An Act to render ineligible for the Legislative Assembly of Ontario, Members of the Senate and Members of the House of Commons of Canada.

WHEREAS it is expedient to render ineligible for the Legislative Assembly of Ontario, Members of the Senate and Members of the House of Commons of Canada.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. After the dissolution of the present House of Assembly of Ontario, no Member of the Senate or of the House of Commons of Canada shall be eligible as a Member of, or be capable of sitting or voting in, the Legislative Assembly of Ontario.
- 10 2. If any person rendered ineligible under this Act is nevertheless elected and returned as a Member of the said Assembly, his election shall be null and void.
- 15 3. If any Member of the said Assembly becomes incapable under this Act of sitting or voting in the said Assembly, his election shall thereupon become null and void, and his seat shall be vacated, and a new writ shall forthwith issue for a new election as if he were naturally dead.
- 20 4. If any person who is under this Act ineligible as a Member of the said Assembly, or incapable of sitting or voting therein, does sit or vote therein, he shall thereby forfeit the sum of \$2,000, for every day in which he so sits or votes; and such sum may be recovered from him by any person who will sue for the same by action of debt, bill, plaint or information in any Court of competent civil jurisdiction in Ontario.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to render Ineligible as Members of
the Legislative Assembly of Ontario,
Members of the Senate and Members of
the House of Commons of Canada.

Received and read, first time, Nov. 6, 1868.

Second reading, Nov. 10th, 1868.

Mr. BLAKE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

1st Reading 6 March 1868
2nd " 24 " "
Dropped 23 January 1869

No. 9.]

BILL.

[1868.

An Act to make better provision for the realization of the debts of deceased persons out of their lands.

WHEREAS it is expedient to make better provision for the realization of the debts of deceased persons out of their lands: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

Preamble.

1. In this Act, the words, "the personal representative," mean the person to whom letters of administration of the estate, or letters probate of the will of any deceased person, are granted by any Surrogate Court of Ontario; the word "land" means any freehold, interest or estate, legal or equitable in any land in Ontario; the word "beneficiary" means any person interested as heir-at-law, or under the will of any deceased person in any land, or any one claiming, by devise or descent, under any person so interested.

Interpretation.

2. The Personal Representative or any one or more of the Personal Representatives may, at any time, file in the Surrogate Court by which the letters were granted, the following papers, all verified under oath:—

Personal Representative may file certain verified statements.

(1.) A detailed inventory of the personal estate of the deceased, shewing the value of each item.

(2.) A detailed statement of the debts and funeral and testamentary, any expenses of the deceased.

(3.) A detailed statement of the lands of the deceased, showing the supposed interest of the deceased in each parcel, and the estimated value of such interest, and the amount of incumbrance, if any, on the parcel, and showing the order in which it would be most for the advantage of the beneficiaries that the lands should be sold.

(4.) A statement showing such further particulars as shall be proper for the information of the judge.

3. Any creditor of the deceased may, at any time after the expiration of six months from the date of the grant of letters, file in the Surrogate Court by which the letters were granted, an affidavit showing that he is such creditor; that he has applied to one of the personal representatives for payment of his debt; that it has not been paid, and that, in his belief, the personal estate of the deceased is insufficient to pay the debts of the deceased, and may thereupon apply *ex parte* to the said

Any creditor of deceased may file affidavit that he is a creditor, &c.

Court for an order directing the Personal Representative to file in the said Court, the several statements mentioned in the second clause of this Act.

The Judge to order statements to be filed.

4. Upon such application, the Judge shall, if the affidavit is satisfactory, make an order directing the Personal Representative to file the said statements in the said Court, within fourteen days after the service on him of such order. 5

Service on Personal Representative may be dispensed with.

5. In case there is more than one Personal Representative and one or more of the Personal Representatives is absent from the Province of Ontario, or cannot be found, the Judge may dispense with service of any process, under this Act, on such one or more of the Personal Representatives. 10

Statements to be filed within the time limited, &c.

6. The Personal Representative shall file the said statements, verified under oath, within the time limited, or such further time as, on his application made during the said fourteen days, on two clear days' notice to the creditor, the Judge may allow. 15

In case of default, &c., Judge may summon Personal Representative to be examined, &c.

7. In case the Personal Representative makes default in complying with the said order, or the statements filed by him are unsatisfactory, the Judge shall, on the application of the creditor, order that the Personal Representative do attend before him, or before the Registrar of the said Court, with the books and papers of the estate for examination, at a time fixed by the order, and the Personal Representative, upon due service of such order, shall attend; in pursuance thereof, with such books and papers, and may be examined on oath, on behalf of the creditor, before the Judge or Registrar touching the various matters to be comprised in the said statements, and shall answer all such relevant questions as may be proposed to him, and his examination shall be reduced to writing, and signed by him, and by the Judge or Registrar. 20 25 30 40

May be committed if he disobeys, &c.

8. In case the Personal Representative disobeys any order made by the Judge under any of the preceding clauses, or refuses to answer any relevant question proposed to him upon any examination had under the last preceding clause, the Judge may order him to be committed to the Common Goal of any county or united counties wherein he may be found, for any period not exceeding fourteen days, or until he shall have obeyed the order, or answered the question, as the case may be. 40

If his statements incomplete.

9. In case the statements made by the Personal Representative are incomplete the creditor may file statements, verified under oath, in completion thereof.

After statements filed, Real Representative to be appointed.

10. At any time, after the filing of the statements, the Personal Representative or any creditor of the deceased, may apply to the Judge for an order for the appointment of a Real Representative of the deceased, and the sale of so much of the lands of the deceased, as having regard to the value of the personal estate, may be necessary for the payment of the debts. 45

On seven days' notice.

11. At least seven days' notice of such application shall be given by the applicant to one or more of the beneficiaries, and also to the Personal Representative, if he be not the applicant 50

12. Upon the hearing of the application, the Judge may require any other or others of the beneficiaries to be served with notice thereof; and he may, in case it is made to appear to him that all the beneficiaries are absent from the Province of Ontario, or cannot be found, dispense with service of notice on any of them, and he may require further evidence on any of the questions before him, and he may adjourn the hearing of the application. Judge may require service on Beneficiaries.
13. Every person notified shall be deemed a party to the proceedings; and any beneficiary, though not notified, may attend the proceedings as a party, and any beneficiary so attending, shall be deemed a party to the proceedings. All persons notified or attending to be parties.
14. In case two or more distinct applications for any order authorized by this Act are made, the Judge shall have power to consolidate the applications, and to make such orders and give such directions as to the prosecution thereof, as shall seem best adapted for the speedy and economical disposal thereof. Two or more applications may be consolidated.
15. Upon any application for any order authorized by this Act, the Judge may, at the instance of any of the parties, or for his own information, require the attendance of, and examine, or cause or permit to be examined, on oath or affirmation, as the case may be, any of the parties and witnesses *viva voce*, or by interrogatives; and the Judge may, by writ of *subpoena* or *subpoena duces tecum*, as the case may be, command such attendance, and cause any deeds, evidences or writings to be produced before himself or otherwise. The Judge may require attendance and examine parties and witnesses. And issue subpoenas, &c.
16. The Judge shall have the like powers, jurisdiction and authority, for enforcing the attendance of persons required by him as aforesaid, and for punishing persons failing, neglecting or refusing to appear, or to be sworn, or to make affirmation, or to produce deeds, evidences or writings, or guilty of contempt, and for enforcing all proceedings taken, and orders and judgments given by him under this Act, as are by law vested in the County Courts, as Courts of law, and as Courts having equitable jurisdiction for such purposes in relation to any suit or matter depending in such Courts. Judge to have like power to compel attendance, &c. as Courts of Law.
17. The enquiry to be had before the Judge as to the value of the personal estate, and the amount of the debts and funeral and testamentary expenses, shall be of such general character as may be sufficient to enable the Judge to arrive at approximate results, and shall not involve an administration of the estate; and if, upon such general enquiry, the Judge finds that there are complicated or contested matters without a determination on which he is unable to come to a conclusion as to the order to be made, he may direct that proceedings shall be taken in the proper Court for the administration of the personal estate of the deceased, and may in the meantime adjourn the application. Enquiry before Judge merely approximate.
18. Upon the final hearing of the application for an order for the appointment of a Real Representative, and for the sale of lands, the Judge shall, if it appears to him that the personal estate is insufficient for the payment of the debts, make an If personal estate insufficient to pay debts, order for sale of

sufficient of
the real
estate, &c.

order for the appointment of a Real Representative of the deceased, and for the sale of so much, and such part of the lands, to be specified in the order, as in his judgment it may, having regard to the amount of the personal estate, be necessary to sell, in order to pay the debts, funeral and testamentary expenses, and the expenses of administration, and the order shall be in the form contained in Schedule A to this Act. 5

Personal Representative to have preference to Real Representative.

19. In case the Personal Representative, or any one or more of the Personal Representatives is or are willing to become the Real Representative, he or they shall have the *prima facie* right to be appointed, but it shall not be obligatory on the Judge to appoint him or them, if for any reason the Judge shall be of opinion that it would be inexpedient to do so. 10

Sale public.
Conditions as
in Schedule B,
except, etc.

20. The sale shall be by public auction, for cash, according to the standing particulars and conditions of sale contained in Schedule B to this Act, except in so far as the same may in any case be varied by the Judge. 15

On order for
sale, Judge to
settle conditions to be
published, etc.

21. Upon the same application on which the order is made, the Judge shall settle the particulars and conditions of sale name the auctioneer, and settle the advertisement or advertisements of sale, which shall be signed by him, and which shall be published by the Real Representative for at least three months before the sale, in the *Ontario Gazette*, and in some newspaper to be named by the Judge in each County where the lands lie, and in such other ways, if any, as the Judge shall direct. 20 25

Advertisement.

22. The advertisement shall contain the following particulars:—

(1.) The style of the matter.

(2.) That the sale is in pursuance of an order of the Judge.

(3.) The time and place of sale. 30

(4.) A short and true description of the land to be sold, and a statement of the interest therein which is to be sold.

(5.) The manner in which the land is to be sold, whether in one lot or several, and if in several, in how many, and what lots, and in what order. 35

(6.) Any particulars in which the proposed conditions of sale differ from the standing particulars and conditions of sale.

Another auctioneer to be appointed if expedient.

23. The Judge may at any time name another auctioneer, if for any reason it shall be expedient to name another auctioneer in place of the one named on the original application. 40

Duplicate of order to be registered.

24. Forthwith, after the making of the order, the Real Representative shall procure and forward to the proper Registry Office for registration, a duplicate thereof under the seal of the Court; and each such duplicate shall be registered by the proper Registrar, against every lot within his county comprised in it, on payment of the sum of fifty cents for each lot. 45

25. Every instrument executed by any beneficiary, after the registration of the order for sale, or executed before, and not registered in the proper Registry Office at the time of the registration of the order for sale, and every conveyance upon a sale under any execution against the lands of any beneficiary, executed by the Sheriff after the registration of the order for sale, or executed before, and not registered in the proper Registry Office at the time of the registration of the order for sale, shall be fraudulent and void, as against the title acquired upon a sale under the order.

Every instrument or conveyance of lands of beneficiary to be registered.

26. Every instrument executed by any beneficiary, and registered before the registration of the order for sale, and every conveyance made by the Sheriff upon a sale under any execution against the lands of the beneficiary, and registered before the registration of the order for sale, shall be valid, void or voidable, as against the title required upon a sale under the order, according as the same would under the law in force at the time of the passing of this Act, have been valid, void or voidable at law or in equity, as against the claims of creditors of the deceased.

Instrument by beneficiary or Sheriff's deed, registered before order of sale, to be void or voidable, etc.

27. In case it appears that any such instrument or conveyance as is mentioned in the last preceding clause of this Act has been registered before the registration of the order for sale, or in case it appears that the title of the deceased is disputed by some person setting up an adverse claim, the Real Representative, or any of the parties may apply to the Judge for an order that the Real Representative shall take proceedings to establish the right to sell; and if the Judge so orders, the Real Representative shall file a bill or present a petition, under the Act for quieting titles, in the Court of Chancery for Ontario, for that purpose; and the said Court shall have jurisdiction at his instance to decide upon the validity of the instrument or conveyance, or of the adverse claim set up, subject to the same appeal as in other counsels in the said Courts, and in the meantime the Judge shall adjourn the sale under the order of the land which is the subject of the instrument or conveyance, or of the adverse claim.

If such instrument registered before order for sale, or if title of deceased disputed.

28. After the sale is concluded, the auctioneer shall make an affidavit in the form contained in schedule C to this Act.

Affidavit of the sale.

29. After any sale under this Act, the Real Representative shall, within seven days (and in case of default by him, the purchaser or any other person interested, may, at any time after seven days, file in the Court the auctioneer's affidavit, and affidavits proving the due advertisement, and proving the contract of sale.

After sale, affidavits proving advertisement, contract of sale, etc., to be filed.

30. At any time during the seven days next after the filing of such affidavits, any party to the proceedings, or any beneficiary, may apply to the Judge on notice to the Real Representative and the purchaser, for an order to set aside the sale, and for a re-sale, on the ground that the sale was not duly advertised, or was not made fairly, openly, or in a proper manner.

In seven days afterwards, application may be made to set aside sale, etc.

- 31.** In case such application is made, the Judge shall, if it appears to him that the sale was not duly advertised, or was not made fairly, openly, or in a proper manner, set aside the same and order a re-sale.
- 32.** In case such application is not made, or fails, the sale shall, at the expiration of seven days after the filing of such affidavit, stand confirmed.
- 33.** The purchaser may, within seven days after the confirmation of the sale, demand an abstract of title from the vendor; and if he does not so make such demand, he shall be deemed to have accepted the title.
- 34.** If the purchaser does so make such demand, the vendor shall forthwith comply with the same, and the purchaser may, within seven days, serve objections to the abstract, and if he does not so serve such objections, he shall be deemed to have accepted the abstract as sufficient.
- 35.** If the purchaser does serve such objections, the vendor shall answer them within fourteen days from the date of service; and if the purchaser is still dissatisfied, any of the parties may obtain from the Judge an appointment to consider the abstract.
- 36.** The Judge shall determine all questions upon the abstract, and the sufficiency thereof, and if desired by the purchaser may require the vendor to make the same as perfect as he can; and if the vendor neglects or refuses to do so, may permit the purchaser to supply defects therein, at the vendor's expense.
- 37.** The Judge shall mark the objections allowed or disallowed, as the case may be, and when he finds the abstract perfect, or as perfect as the vendor can make it, he shall certify to that effect at the foot, or on the back thereof.
- 38.** After the abstract is allowed, or is accepted by the purchaser as sufficient, no objection to the abstract shall be allowed.
- 39.** After the abstract is allowed, or is accepted by the purchaser, the verification shall be proceeded with, and the vendor shall with all diligence, afford the purchaser all the means of verification in his possession, in the manner and according to the practice usual with conveyancers, and having done so he may serve a notice on the purchaser to make his objections or requisitions, if any.
- 40.** The purchaser may, within seven days thereafter, serve his objections or requisitions; and if he does not so serve the same, he shall be deemed to have accepted the title.
- 41.** If the purchaser does so serve the same, the like course is to be followed upon the same as is hereinbefore provided, in relation to the abstract.
- 42.** After the title is accepted or allowed, no objection there- to shall be allowed.

43. At any time after the title is accepted or allowed, the vendor or any person interested, may apply to the Judge on seven days' notice, for an order for the payment by the purchaser of any part of the purchase money which is due and unpaid, and the Judge may order payment thereof to the vendor; and in default of payment within seven days after the date of such order, writs of execution for the recovery thereof, may issue under the seal of the said Court, in like manner as such writs issue on judgments recovered in the Courts of Common Law.

After title accepted, &c., application for order for payment.

And execution.

44. At any time after the title is accepted or allowed, the vendor or any person interested may apply to the Judge on seven days' notice, for an order for the delivery of the possession of the lands to the vendor, by any beneficiary who may be in the possession thereof, in order to the delivery by the vendor of the lands to the purchaser; and the Judge shall order the delivery of such property to the vendor; and in default of such delivery, within seven days after the date of such order, a writ or writs of *habere facias possessionem*, may issue under the seal of the said Court, for the recovery thereof, in like manner as such writs issue on judgments recovered in the Courts of Common Law in actions of ejectment.

After title accepted, &c., application by any one interested to be made for delivery of possession to vendor, &c.

Habere facias.

45. At any time after the title is accepted or allowed, and the purchaser has paid his purchase money, he may apply to the Judge on seven days' notice for an order for the delivery to him of the possession of the lands by the vendor, if the vendor be in possession thereof, or by any beneficiary who may be in possession thereof, and the Judge shall order such delivery; and in default of such delivery within seven days after the date of such order, a writ or writs of *habere facias possessionem*, may issue under the seal of the said Court for the recovery thereof, in like manner as such writs issue on judgments recovered in the Courts of Common Law in actions of ejectment.

After money paid application to be made for possession to purchaser.

Habere facias.

46. At any time after the confirmation of the sale, the Real Representative, on payment of the purchase money, execute a conveyance to the purchaser of the premises sold, and the Judge shall certify on the margin of the first page of such conveyance, under his hand, and the seal of the Court, that the sale thereby made has been confirmed.

Real Representative to execute conveyance.

47. The conveyance so executed shall vest in the purchaser and his heirs, all the estate which was of the deceased at the time of his death, in the land, as effectually as if such conveyance had been executed by all the beneficiaries, as granting parties; and it shall not be necessary for any person claiming under the conveyance to produce or prove, in order to establish the conveyance, anything beyond the order for sale, and the conveyance so certified as aforesaid.

Conveyance to vest estate in purchaser

48. In proceedings under this Act, the Judge shall have power to determine how the costs of the proceedings shall be borne and paid, and may order them to be paid out of the estate of the deceased or by any of the parties, or partly out of the estate and partly by any of the parties.

Judge shall decide as to costs.

49. The proceeds of any sale under this Act shall be applied by the Real Representative in or towards the payment of any

Proceeds of sale, how applied.

costs ordered by the Judge to be paid thereout, and of the costs of the sale, and thereafter in or towards the payment of the debts and funeral and testamentary expenses of the deceased, in the same manner as the same should be applied if the said proceeds were personal estate come to the hands of the Real Representative, and the Real Representative shall be liable to the creditors of the deceased in respect of the said proceeds in the same manner and to the same extent as the personal Representative would be liable to such creditors in respect of personal estate come to his hands; but the said proceeds shall, subject to the application thereof aforesaid, be deemed and taken to be the proceeds of the real estate of the beneficiaries in the hands of the Real Representative as trustee for the beneficiaries.

Real Representative to give bond, &c.

50. The Real Representative shall, before the signature of the order appointing him, give a bond to the Judge to enure for the benefit the Judge of the Surrogate Court for the time being (or in case of the separation of Counties to enure for the benefit of any Judge of a Surrogate Court to be named by the Court of Chancery for that purpose) with one or more surety or sureties as may be required by the Judge of such Surrogate Court, and in the form contained in Schedule D to this Act.

Contents of bond.

51. The bond shall be in a penalty of double the amount of the sworn estimated value of the land ordered by the Judge to be sold, unless the Judge in any case thinks fit to direct (as he may do) that the same shall be reduced; and the Judge may also direct that more bonds than one may be given so as to limit the liability of any surety to such amount as the Judge thinks reasonable.

If condition broken, bond to be assigned by Judges order.

52. The Judge, on application made in a summary way, and on his being satisfied that the condition of any such bond has been broken, may order the Registrar of the Court to assign the same to some person to be named in such order, and such person, his executors and administrators shall thereupon be entitled to sue in his own name on the said bond, both at law and in equity, as if the same had been originally given to him instead of to the Judge, and shall be entitled to recover thereon as trustee for all persons interested, the full amount recoverable in respect of any breach of the condition of the said bond.

Real Representative may be removed, &c.

New one appointed, &c.

53. In case of neglect or default on the part of the Real Representative or of his death, any creditor or beneficiary shall have the right to apply to the Judge on seven days notice to the Real Representative if he be alive, and if he be dead, to one or more of the beneficiaries for the removal of the Real Representative and for the appointment of another Real Representative, and the Judge shall upon such application make, such order as shall be just, and any order for the appointment of a new Real Representative shall be registered in the same way as the original order against any lands ordered to be sold, and not conveyed at the date of the order authorized by this clause, and any such new Real Representative shall have all the rights, powers and duties of the former Real Representative.

54. The Judge may allow to the Real Representative a fair and reasonable allowance for his care, pains and trouble, and his time expended in or about the discharge of the duties devolving on him as Real Representative, and therefor, may make an order or orders from time to time, and the amount so allowed may be returned by and shall be allowed to the Real Representative in passing his accounts.

Real Representative to have reasonable allowance by order of Judge.

55. Any person who has made an application for the appointment of a Real Representative and for a sale of lands or to whom notice of such an application has been given or who has appeared on such an application may appeal to the Court of Chancery from the order made on such application within fourteen days from the date of such order.

Parties may appeal to Chancery.

56. Any beneficiary to whom no notice of an application for the appointment of a Real Representative and for a sale of lands has been given, and who has not appeared on such application, may at any time before the sale apply to the Court of Chancery to reverse, vary, or suspend the order made on such application.

Beneficiary may apply to reverse, vary, or suspend order.

57. Any person affected by any order or ruling of a Judge made on any application, or in any proceeding other than an application for the appointment of a Real Representative and for the sale of lands, may appeal to the Court of Chancery from such order or ruling within seven days from the date thereof.

Any one affected by order or ruling of Judge may appeal to Chancery.

58. Upon any appeal or application to the Court of Chancery under this Act, the Court of Chancery shall have power to reverse, vary or suspend the order or ruling, and to make such order as to the costs of the original application and of the appeal or application as shall seem just.

Who may reverse, vary, &c.

59. In case it appears that for any reason the proceeds of the land sold under any order for sale are insufficient to pay the debts, funeral and testamentary expenses and the expenses of administration, the Real Representative or any other person who might have made the original application, may apply to the judge on affidavits of the material facts for an order for the sale of other lands of the deceased.

If proceeds of land sold insufficient, &c., other lands may be sold.

60. The proceedings on such application shall be conducted as nearly as may be in like manner as proceedings on an original application under this Act, dispensing with all such proofs as have been furnished on the original application.

Proceedings thereon, same as on original application.

61. The Judge shall have like powers with reference to the subject matter of such application as are conferred on him in respect of the original application.

The Judge to have like powers.

62. After this Act takes effect no writ of *feri facias de terris* shall issue on any judgment recovered against a deceased person in his life time and revived against his personal representative, or on any judgment recovered against the Personal Representative of a deceased person in his representative capacity.

No *feri facias* against lands or judgment recovered, or revived against personal representatives of deceased persons.

- Not impair jurisdiction of Chancery in administering estates. **63.** Nothing in this Act contained shall in any wise affect or impair the jurisdiction of the Court of Chancery of the equity side of the County Court in the administration of these estates of deceased persons.
- Order for sale not to be made after decree for administration of real estate. **64.** No order for the appointment of a Real Representative or for the sale of lands of a deceased person, shall be made under this Act, after a decree for the administration of the real estate of the deceased person has been made. 5
- Judges of Surrogate Courts to take certain fees. **65.** The Judges of the Surrogate Courts may demand, and take to their own use, the fees contained in Schedule E to this Act, and such fees shall be collected by the Registrar of the Court on or before each proceeding, and paid to the Judge; and annual returns of such fees, up to the thirty-first day of December in each year, shall be made by such Registrars, on or before the first day of February in the following year. 15
- And returns thereof to be made. **66.** The Registrars of the said Courts, and Attorneys, Solicitors and Barristers respectively, practising therein, shall be entitled to take, for the performance of duties and services under this Act, such fees as, and no other fees than, shall be fixed under the provisions hereinafter contained. 20
- Registrars, Solicitors, &c., to have certain fees.
- Judges in Chancery to make orders and forms and fix fees. **67.** The Judges of the Court of Chancery, or any two of them of whom the Chancellor shall be one, may make such rules, orders and forms, as shall be necessary or expedient for the regulation of the practice and proceedings under this Act, and may fix a tariff of fees to be received by the Registrars of the Courts, and Attorneys, Solicitors and Barristers respectively, for the performance of duties and services under this Act, and may, from time to time, add to, repeal or alter, any of such rules, orders or forms on the said tariff. 25
- Style of proceedings under this Act. **68.** All proceedings under this Act may be styled, "In the matter of the lands of (A.B.), a deceased debtor, and of the Deceased Debtors' Land Act, 1868." 30
- Judges, Commissioners, &c., may administer oaths. **69.** The Judges and Registrars of the said Surrogate Courts respectively, shall have full power to administer oaths in all matters in which oaths are required to be, or may be administered under this Act, and Commissioners for taking affidavits in either of the Superior Courts of Common Law, or in the Court of Chancery, in Ontario, shall also have full power respectively to administer oaths in all such matters to parties desirous of making affidavit or deposition before them respectively. 40
- Commencement of this Act. **70.** This Act shall come into force on the first day of February, in A.D. 1869, and may be cited as "The Deceased Debtors Lands Act, 1868."

SCHEDULE A.

In the matter of (A. B.) a deceased debtor and of the deceased debtors Lands, Act, 1868.

SCHEDULE B.

- ### SCHEDULE C.

1. At the time and place mentioned, and under the conditions of sale in the annexed particulars and conditions of sale in this cause, I offered for sale by public auction, the lands and premises described in the said annexed particulars of sale.

2. At the said sale, J. H. bid for the said lands the sum of _____ and being the highest bidder therefor, became and was declared to be the purchaser thereof, at the price or sum of _____

3. The said sale was conducted by me in a fair, open and proper manner, and according to the best of my skill and judgment.

SCHEDULE D.

Know all men by these presents: That we A. B., of the _____ of _____ in the _____; C. D., of the, &c., and E. F., of the, &c., are jointly and severally bound unto G. H., the Judge of the Surrogate Court of the _____ in the sum of _____ dollars, to be paid to the said G. H., or the Judge of the said Court for the time being, for which payment well and truly to be made we bind ourselves, and _____ of us for the whole, our heirs, executors and administrators, firmly by these presents. Sealed with our seals. Dated the _____ day of _____ in the year of our Lord, 186 _____.

The condition of this obligation is such that if the above-named A. B., the Real Representative of G. H., appointed under the Deceased Debtors' Lands Act, 1868, shall do, execute and perform all the duties devolving on him as such Real Representative, and shall collect and get in the proceeds of all lands sold by him as such real representative, and shall keep and exhibit, or cause to be exhibited into the Registry of the Surrogate Court of the _____ whenever required by the Judge so to do, a true and perfect account of such proceeds, and such proceeds shall well and truly administer according to law, that is to say—shall pay the debts which the said deceased did owe at his decease, and any other sums ordered to be paid by the Judge under the said Act, and all the rest and residue of such proceeds shall pay unto such person or persons respectively, as shall be entitled thereto, and shall make, or cause to be made, a true and perfect account of his said administration, whenever required by the Judge so to do, and shall obey all orders of the Judge in the premises: then this obligation to be void and of no effect, otherwise to remain in full force and virtue.

Signed, sealed and delivered }
in presence of _____ }

SCHEDULE E.

Fees to Judge.

For every order upon P. R. to file statements.....	\$0 50
For every order upon P. R. to attend for examination...	1 00
For every order to commit or refusing to commit P. R....	2 00
For every order for appointment of R. R. and for sale of lands or for order that R. R. take proceedings to establish right to sell or for removing R. R.....	5 00

For every order directing what persons shall be served with notice.....	\$50
For every order consolidating applications.....	50
Every sitting for examination before the Judg of P. R. or of witnesses per hour.....	1 00
For every advertisement for sale.....	1 00
Every duplicate for registry of order for sale under seal of the Court.....	50
Every order made upon application to set aside sale.....	2 00
For appearing and indorsing every conveyance to be exe- cuted by R. R.....	1 00
For every bond executed by the R. R.....	50
For every order not previously provided for signed by the Judge.....	50
For hearing application of R. R. for compensation.....	1 00

BILL.

An Act to make better provision for the realization of the debts of deceased persons out of their lands.

Received and read, first time, Nov. 6, 1868.

Second Reading, Nov. 10, 1868.

MR. BLAKE

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

No. 10.]

BILL.

[1868.

An Act to make better provision for the dealing by
Executors and Administrators with Mortgages.

WHEREAS it is expedient to make better provision for the
dealing by Executors and Administrators of Mortgages.

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of Ontario, enacts as follows:

5 1. The fifth section of the Act chaptered 87 of the Con-
solidated Statutes of U. C. is hereby repealed.

10 2. When any person entitled to any freehold land by way
of Mortgage has departed this life, and his Executor or Admin-
istrator has become entitled to the money secured by the Mort-
15 gage, or has assented to a bequest thereof, or has assigned the
Mortgage debt, such Executor or Administrator, if the Mortgage
money was paid to the testator or intestate in his lifetime, or
on payment of the principal, money and interest due on the
Mortgage, or on receipt of the consideration money for the
20 assignment, may convey, assign, release or discharge the Mort-
gage debt and the legal estate in the land; and such Executor
or Administrator shall have the same power as to any portion
of the lands on payment of some part of the Mortgage debt, or
on any arrangement for exonerating the estate, or any part of
the mortgaged lands without payment of money, and such con-
veyance, assignment, release or discharge shall be as effectual
as if the same had been made by the person having the legal
estate.

BILL.

An Act to make better Provision for the
Dealing by Executors and Administrators
with Mortgages.

Received and read, first time, Nov. 6, 1868.

Second reading, Nov. 10th, 1868.

Mr. BLAKE.

TORONTO;

PRINTED BY HUNTER, ROSE & Co.

*Reading of Bill No. 11
Discharged*

No. 11.]

BILL.

[1868.

An Act to amend the Law as to Bills and Notes Due or Payable in the Province of Quebec.

WHEREAS it is expedient that there should be no special provision as to the rights, remedies or liabilities in the Province of Ontario, of parties to Bills or Notes due or payable in the Province of Quebec.

5 Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. The 31st Section of the Statute of the late Province of Canada, passed in the 12th year of the reign of Her Majesty Queen Victoria, and chaptered 22, entitled "An Act to Amend
10 the Law regulating Inland Bills and Promissory Notes and the protesting thereof, and Foreign Bills in certain cases," is repealed so far as the same affects the Province of Ontario.

No. 11.

2nd Session, 1st Parliament, 32 Victoria, 1688.

BILL.

An Act to Amend the Law as to Bills and
Notes due or Payable in Quebec.

Received and read, first time, Nov. 6, 1868.

Second reading, Nov. 10th, 1868.

Mr. BLAKE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1st Reading 6th March 1868
2nd " 17 " 7th April "
Reported with amendments 18
Revised with proposed amendments 23 1868

No. 12]

BILL.

[1868.

An Act further to amend the Act, Chapter 35 of the Consolidated Statutes of Upper Canada, entitled "An Act respecting Attorneys-at-Law.

WHEREAS it is expedient to amend the Act, Chaptered 35 of the Consolidated Statutes of Upper Canada, by rendering it unnecessary for Articled Clerks to keep terms in certain cases.

5 Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows;

1. Notwithstanding anything in the said Act contained, it shall not be necessary, in order to the admission and enrolment of any person as an Attorney and Solicitor, that he should
10 have attended the sittings of the Court of Queen's Bench or Common Pleas, during any of the terms thereof.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act further to amend the Act, Chapter 35, of the Consolidated Statutes of Upper Canada, entitled "An Act respecting Attorneys-at-Law."

Received and read first time, Nov. 6th 1868.

Second reading, Nov. 10th, 1868.

MR. BLAKE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 13.]

BILL.

[1868.

An Act to amend the Law as to Costs in Suits for Alimony.

WHEREAS it is expedient to amend the Law as to Costs in suits for Alimony,—

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In no suit for Alimony shall any costs be ordered to be paid *de die in diem* by the defendant, beyond the amount of the cash disbursements, properly made by the Plaintiff's solicitor.
- 10 2. In no suit for Alimony, in which the Plaintiff fails to obtain a decree for Alimony, shall any costs be decreed to be paid by the defendant beyond the amount of the cash disbursements properly made by the Plaintiff's solicitor.

No. 13.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend the Law as to Costs in
Suits for Alimony.

Received and read, first time, Nov. 6, 1868.

Second reading, Nov. 10, 1868.

Mr. BLAKE.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

16th Reading to the House 1868
2nd
Dropped 23rd January 1869

No. 14.]

BILL.

[1868.

An Act for the Registration of Births and Deaths
in the Province of Ontario.

WHEREAS there exists great uncertainty respecting the Preamble.
Registration of Births and Deaths in the Province of
Ontario : Therefore Her Majesty by and with the advice and
consent of the Legislative Assembly of Ontario enacts as
5 follows :

1. In the construction of this Act the words "Head or Interpretation clause.
Heads" of every family shall include the father, or in case of his death or absence, the mother of any child born, or person deceased : or in case of death or inability of both parents, the Head or Heads of every family
10 eldest member of the family of the child born or person deceased, or any person or guardian standing in the place of the parents ; or in default of these, then the occupier of the house or tenement in which to his or her knowledge a birth or a death may have taken place : The word "House" shall include all House.
15 vessels and other dwellings or places of abode of any kind : the word "County" shall include a union of Counties, a City, County.
Junior County and any part of a County or Counties set apart for judicial or Registration purposes : the word "Treasurer" Treasurer.
shall include the Chamberlain of any Municipal Council.
- 20 2. It shall be the duty of the Head or Heads of every family in the Province of Ontario, in whose house a birth takes place or a death occurs, within thirty days thereafter to make a return of every birth or death in 30
give a return of the same to the Clerk of the Township, Village, Town or City within which he, she or they may reside; the said days to the Clerk of the Municipality.
25 return of births to be in the form of Schedule A to this Act annexed ; and the said return of deaths to be in the form of Schedule B to this Act annexed.
3. Whenever in any place not already included within If place of birth, &c., not within a Municipality, return to be made to nearest Township Clerk.
30 the bounds of a Municipality, a birth takes place or a death occurs, it shall be the duty of the Head or Heads of every family in whose house the same may happen to make to the nearest Township Clerk the returns provided for in the foregoing section.
4. On receiving the aforesaid returns, it shall be the duty The Clerk to enter them in a book, &c.
35 of the Clerk of every Township, Village, Town or City immediately to enter the same in books to be kept for that purpose, in the form of Schedules A and B annexed to this Act ; and And Deposit a return of all returns received in the year with the
also, on or before the first day of June, in each and every year, to deposit with the Registrar of the County to which the said
40 Township, Village, Town or City may belong, a return of all

Registrar by
1st of June
each year,
also to the
Provincial
Secretary.

returns so made him during the year, certified under his hand and the seal of the Municipality of which he may be Clerk, according to Schedule C and D to this Act annexed, and in like manner and by the aforesaid time, forward to the Provincial Secretary similar returns.

5

Clerk of
Municipality to
print and post
up, &c., por-
tions of this
Act relating
to the duty of
heads of
families.

5. The Clerk of each aforesaid Township Village, Town or City shall have printed such portions of this Act as relate to the duties of the Head or Heads of families, and cause annually copies of the same to be posted up in every School House within, and also in five other of the more public places 10 of the said Township, Village, Town or City.

On receiving
returns Reg-
istrar to en-
dorse date of
receipt, and
enter them
alphabetical-
ly in a book
in forms
Schedules
A and B.
Separately
for each
Township,
&c.

6. The Registrar of each County, immediately on receipt of the aforementioned returns, as provided in the foregoing sections, shall endorse on said returns the date of their recep- 15 tion, and enter the same alphabetically in books to be kept for that purpose in the forms of Schedule A and B hereto annexed, and when so entered file the said returns in the same way and manner as all other documents coming into his possession are preserved; and the said returns shall be so entered in a separate Registry Book for each Township, Village, Town or City.

Provincial
Secretary to
have the
forms,
schedules and
books printed
and distri-
buted.
Cost to be re-
funded by
Treasurer of
Municipality.

7. The Provincial Secretary shall prepare and cause to be 20 printed all Forms, Schedules and Books as hereinbefore provided, and have the same distributed to the Clerks of Townships, Villages, Towns and Cities and Registrars of Counties; and the cost of all such Forms, Schedules and Books so forwarded to the afore- said Clerks and Registrars, shall be refunded to the Provincin- 25 cial Secretary by the Treasurer of each aforesaid Township, Village, Town or City, and County.

Provincial
Secretary to
enter all re-
turns in
separate
books accord-
ing to
schedules A
and B, &c.
And to lay a
return of all
births and
deaths before
the Legisla-
tive Assem-
bly on first
10 days of
each Session.

8. The Provincial Secretary shall cause to be entered in separate books according to Schedules A and B, all returns 30 made him by the aforesaid Clerks, and when so entered, shall place the said returns in safe keeping in separate and appropriate files.

Provincial
Secretary to
enter all re-
turns in
separate
books accord-
ing to
schedules A
and B, &c.
And to lay a
return of all
births and
deaths before
the Legisla-
tive Assem-
bly on first
10 days of
each Session.

9. Within ten days after the commencement of every Session, the Provincial Secretary shall lay before the Legisla- 35 tive Assembly, a return in the aggregate of all the births and deaths hereinbefore required to be made, said return to be by Ridings, Counties, Union of Counties and Cities.

Registrar to
permit any
one to search
the records of
births, &c.,
and to give
certificates.
Which shall
be *prima*
facie evidence
in all Courts
in Ontario.

10. Whenever any person desires to search the records of the aforesaid returns of births and deaths, or requires a certificate 40 either of birth or death, it shall be the duty of the Registrar aforesaid, to permit such search to be made, for which he shall receive a fee of cents, and give such certificate under his hand and seal of office, in the form of Schedule E, hereto annexed, for which he shall be entitled to receive a fee of 45 cents, and every such certificate shall be received as *prima facie* evidence in every Court of Law and Equity in Ontario.

11. The Registrar, under this Act, shall be entitled to receive from the Council or Corporation of every County, Union of Counties and City cents, each for every birth or death recorded by him in the way and manner already provided.

Registrar's fees for recording births, &c.

12. Every duly qualified medical practitioner, who shall have been present at the birth of any child, or in attendance during the last illness of any person deceased, shall, on the first day of January in each and every year, according to Schedule A and B hereto annexed, make returns to the Clerk of the Township, Village, Town or City wherein the said birth or death may have occurred.

Medical practitioner present at birth, or attending at last illness, shall make returns on 1st January annually of births and deaths according to schedules A and B.

13. Every assessor, or the assessors in every Municipality, at the time of making his or their annual assessments, shall enter in a column on his or their Assessment Roll, the births and deaths which may have taken place during the year, previous to said Assessment Roll being made.

Assessors to enter in the Assessment Rolls the births and deaths of preceding year.

14. On receipt of said return from aforesaid medical practitioner, and likewise on receipt of said Assessment Roll, the Clerk of the aforesaid Township, Village, Town or City shall immediately compare the same with the aforementioned returns already made him by the Head or Heads of families; and if, on making said comparison, it be discovered that births or deaths have been omitted to be returned, the said Clerk shall notify in writing the person or persons who have made such omissions to come forward before him, the said Clerk, within twenty days from the date of said notice, and conform to sections one and two of this Act; and if such person or persons neglects to come forward, having first received the aforementioned notice, any Justice of the Peace before whom complaint may be made by the said Clerk, praying him to proceed summarily under this Act, may hear and determine such offence.

On receipt of returns, &c., Clerk shall compare with returns of heads of families, and compel omissions to be supplied.

And proceed against any one neglecting before a Justice of the Peace.

15. The offender, upon conviction before such Justice, shall forfeit and pay such fine as may to him appear meet—not exceeding, together with costs, the sum of ten dollars. Such fine shall be paid to the Treasurer of the Municipality in which the offence was committed, and shall make part of the funds thereof.

Offender to be fined not exceeding for fine and costs \$10.

16. If the fine awarded by the said Justice, together with the costs, if ordered be not paid either immediately after the conviction, or within such period as the said Justice at the time of the conviction appoints, he may commit the offender to the Common Gaol or House of Correction there to be imprisoned for any term not exceeding one month, unless such fine and costs be sooner paid.

On non-payment, offender may be committed—not exceeding one month.

17. All births or deaths which may happen in any place other than a "House," shall be included within the scope of this Act, and are hereby required to be returned as already provided, to the Clerk of the Township, Village, Town or City in which the same occur, by the Head or Heads of the family to which the child born or the person deceased may belong, or

All births and deaths to be returned under some penalty, as Section 15.

be so returned by any person who either finds a new-born child or the body of any one deceased, and any parties who shall neglect to make the returns provided by this and the foregoing Sections, shall render the person guilty of such neglect liable to the penalties provided in Sections fifteen and sixteen of this Act. 5

Any false statement to be inserted in any register of births, &c., to incur a penalty of \$20.

18. Any person who shall knowingly or wilfully make, or shall cause to be made, for the purpose of being inserted in any Register of births or deaths, any false statement touching any of the particulars herein required to be known and registered, shall be subject to a penalty of twenty dollars, to be recovered as other penalties under this Act. 10

Any error discovered in return to be corrected by Clerk and by

19. If any error shall be discovered to have been made in the entry of any birth or death, the person discovering the same shall forthwith give information thereof to the Township, Village, Town or City Clerk in whose books the said entry was originally made, and said Clerk is hereby required to investigate the circumstances of the case; and if he shall be satisfied that an error has been committed in any such entry, it shall be lawful for him to correct the erroneous entry, according to the truth of the case, by entry on the margin without any alteration of the original entry—thereupon having made such correction, the said Clerk shall, if the births or deaths so corrected have been already returned by him to the afore mentioned Registrar and Provincial Secretary—shall report the same, according to the facts of the case, to the said Registrar and Provincial Secretary—who each shall correct the said erroneous entry, by entry on the margin. 15 20 25

Registrar and by Provincial Secretary.

Clerk of Municipality failing to make return, or assessor failing to enter on his roll, or Registrar omitting to register returns, or medical practitioner neglecting, &c., to incur a penalty not exceeding \$20.

20. Any Clerk of any Township, Village, Town or City, who fails to make the returns hereinbefore required to be made by a particular day; any assessor or assessors who fail to enter on the Assessment Roll of any Township, Village, Town or City the births and deaths as already provided. Any Registrar, who omits to register the returns hereinbefore required to be made him; and any duly qualified medical practitioner who neglects to make any return required of him by this Act, shall be liable to a penalty of not more than twenty dollars, to be paid the Treasurer of the Province for the use of said Province, which penalty may be sued for and recovered by the Crown in any Court of competent jurisdiction. 30 35 40

SCHEDULE A.—Record of Births returned for the
for the year ending the
day of December, A.D., 18 .

[illegible]

SCHEDULE E.

I hereby certify that on the day of
 in the year of Our Lord 18 , a return was made to this office
 of the (*Birth or death as the case may be*) of
 (*son or daughter as the case may be*) and

 who resided at in the
 ; the said was returned as having
 been (*born or deceased as the case may be*) in the
 on the day of in the year of our
 Lord 18

Given under my hand and seal this day of
 in the year of our Lord 18 , at in the
 of

(Signed)

A. B.,
 Registrar, . [LS.]
 for the

No. 14.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act for the Registration of Births and
Deaths in the Province of Ontario.

Received and read, first time, Nov. 6, 1868.

Second Reading, Nov. 10, 1868.

Mr. BOYD.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1st Reading & Second 1868
Discharged

No. 15.]

BILL.

[1868.

An Act to amend Chapter Seventy-five of the Consolidated Statutes for Upper Canada, now Ontario, intituled "An Act respecting Master and Servant."

WHEREAS it is desirable to amend the "Act respecting Master and Servant," chaptered Seventy-five of the Consolidated Statutes of Upper Canada: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. The Sixth section of the said Act is hereby repealed, and the following Section shall be substituted for and stand in lieu thereof:—

Section 6,
Master and
Servants' Act
repealed.

2. No tavern-keeper, boarding-house keeper, or other person, shall keep the wearing apparel of any servant or laborer in pledge for any advances made on account of wages, or expenses incurred, to a greater amount than six dollars, and on the payment or tender of such money, or of any less sum due, such wearing apparel shall be immediately given up, whatever be the amount due by such servant or laborer; but this is not to apply to other property of the servant or laborer.

Tavern-keepers not to keep the wearing apparel of servant in pledge for any amount above \$6.

BILL.

An Act to amend Chapter Seventy-five of the Consolidated Statutes of Upper Canada, now Ontario, intituled "An Act "respecting Master and Servant."

Received and read, first time, Nov. 6, 1868.

Second reading, Nov. 10, 1868.

MT. BLAKE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 16.]

BILL.

[1868.

An Act to amend the Act imposing a Tax on Dogs
and for the Protection of Sheep.

WHEREAS it is expedient to amend the Act chaptered fifty-five of the twenty-ninth and thirtieth Victoria, intituled, "An Act to amend and consolidate the Acts to impose a Tax on Dogs, and to provide for the better protection of Sheep in Upper Canada:" Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

1. The Act passed in the twenty-ninth and thirtieth years of Her Majesty's reign, and chaptered fifty-five, intituled, "An Act to amend and consolidate the Acts to impose a Tax on Dogs, and to provide for the better protection of sheep in Upper Canada," is hereby repealed.
2. There shall be levied annually, in every municipality in Ontario, upon the owner of each dog therein, an annual tax of one dollar for each dog, and two dollars for each bitch; provided, however, that in case the Council of any Riding, County or Union of Counties, may deem it advisable to dispense with the levy of the said tax; it may be lawful for the said Council to declare by By-law that the said tax shall not be levied on any of the municipalities within its jurisdiction; and immediately upon said By-law having been passed, shall cause its Clerk to transmit a copy of the same to the Assessor or Assessors of every Municipality so within its jurisdiction.
3. The Assessor or Assessors of every Municipality within which this Act shall not have been dispensed with, as provided in the foregoing section, at the time of making their annual assessment, shall enter on their roll opposite the name of every person assessed, and also shall enter opposite the name of every resident inhabitant not otherwise assessed, being the owner of any dog or dogs, the number by him or her owned or kept, in a column prepared for the purpose.
4. The owner or keeper of any dog shall, when required by the Assessor or Assessors, deliver to him or them in writing, the number of dogs owned or kept, whether one or more, and for every neglect or refusal to do so, and for every false statement made, shall incur a penalty of five dollars, to be recovered before any Justice of the Peace for the Municipality, with costs.
5. The Collector's roll shall contain the name of every person entered on the assessment roll as the owner or keeper of any dog or dogs, with the tax hereby imposed, in a separate

Preamble,
29 and 30 V.,
C. 55.

Annual tax
on Dogs.

Councils may
by by-law
dispense.

Duty of As-
sessor's unto
Owners of
Dogs.

Duty of
Owners of
Dogs.

Tax to be
entered in
Collector's
Roll.

column, and the Collector shall proceed to collect the same, and at the same time and with the like authority, and make returns to the Treasurer of the Municipality, in the same manner and subject to the same liability for paying over the same in all respects to the Treasurer as in the case of other taxes levied in the Municipality. 5

Tax to form a fund for damages.	6. The money so collected and paid to the Clerk or Treasurer of any Municipality shall constitute a fund for satisfying such damages as may arise in any year from dogs killing or injuring sheep or lambs in such Municipality, and the residue, 10
Residue.	
Proviso.	

if any, shall form part of the assets of the Municipality for the general purposes thereof; but the fund shall be supplemented when necessary, in any year to pay charges on the same, to the extent of the amount which may have been applied to the general purposes of the Municipality. 15

Proceedings by Owners of sheep killed or injured.	7. The owner or keeper of any dog that shall kill, wound or otherwise injure any sheep or lamb, shall be liable for the value of such sheep or lamb to the owner thereof, without proving notice to the owner or possessor of such dog, or knowledge by him that the dog was mischievous or disposed to kill 20 sheep.
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Hearing and decision.	8. The owner of any sheep or lamb, that may have been killed or injured by any dog or dogs, may apply to any Justice of the Peace for the County, who shall enquire into the matter of complaint, and examine such owner and his witnesses (if 25 any) upon oath, and if satisfied that such sheep or lamb had been killed or injured by any dog or dogs, and if upon the evidence produced, the same Justice shall be satisfied as to whom such dog or dogs belong, or by whom such dog or dogs were kept, such owner or owners, if more than one, shall be 30 liable to pay the amount of damages proved to have been sustained by such owner of the sheep or lamb killed or injured, by the owner, or, if more than one, owners of such dog or dogs equally, upon the order and decision of the Justice before whom the complaint was made, and such Justice shall have authority 35 to summon witnesses and to enforce payment of damages and costs by distress and sale in the manner provided by chapter one hundred and three of the Consolidated Statutes of Canada, respecting the duties of Justices of the Peace out of session, in relation to summary conviction and orders, either party 40 aggrieved having the right to appeal by law provided in cases of summary conviction.
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Payment of damages by Municipality if Owner of Dog cannot be found.	9. If the party injured shall make oath that upon diligent search and enquiry he has not been able to discover the owner or keeper of the dog or dogs by which such damage or injury 45 has been done, or shall fail to recover the amount of such damages or injury adjudged from the owner or keeper of such dog or dogs, if known, for want of distress, the Justice before whom the complaint was made shall certify to the fact that such owners cannot be found, or that if known, there were no 50 goods found upon which to levy the same and the amount of damages by him adjudged, and upon the production of the certificate of such Justice to the effect aforesaid, being served upon or left with the clerk of the municipality, it shall be the duty of such clerk to lay the same before the Municipal Coun- 55
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- oil at its next meeting, and in such case the Municipal Council shall issue its order upon the treasurer for two-thirds of the amount of the damages appearing by the certificate of the Justice of the peace to have been sustained by the owner of any 5 sheep or lamb killed or injured by any dog or dogs, and such amount shall be paid by the treasurer, on the first day of March in each and every year, or at such other time thereafter as the municipal taxes are annually collected and returned; and such amount shall be paid by the treasurer from and out of the fund 10 constituted by the sixth section of this Act, and from no other fund whatever; Provided always, that if such fund be not sufficient to pay all such damages or injuries as shall be adjudged, then such payment shall be made, *pro rata*, out of the said fund collected for each year, and such payment shall 15 be a full discharge of all claims for all such injuries or damages; Provided, further, that if after such damages shall have been paid by the treasurer, as aforesaid, the owner or keeper of any such dog or dogs shall afterwards be identified and proved, it shall be the duty of the clerk of the municipality to make 20 complaint before a Justice of the Peace for the County, who shall summon such reputed owner, and any Justice of the Peace shall proceed to try the case, and determine the same in the manner provided by the eighth section of this Act, for compelling the owners of dogs killing or injuring sheep or lambs, 25 to pay the damages.
10. If after receiving the amount of such damages from the Treasurer of the municipality, the owner of the sheep or lamb so killed or injured, shall recover the value thereof, or any part of such value, from the owner or keeper of any dog, he shall 30 refund and repay to the Treasurer of the municipality the sum so received from him, and it shall be the duty of the Clerk of the municipality to bring the action against such owner to recover such amount, and such amount when recovered shall form part of the fund constituted by the sixth section of this Act.
- 35 11. Any person may kill any dog which he may see worrying or wounding any sheep or lamb. Dogs seen worrying.
12. The owner or keeper of any dog, to whom notice shall be given of any injury done by his dog or dogs to any sheep or lamb, or of his dog or dogs having chased or worried any sheep or lamb, shall, within forty-eight hours after such notice, cause 40 such dog or dogs to be killed, and so for every neglect so to do, he shall forfeit a sum of two dollars and fifty cents for every such dog, and a further sum of one dollar and twenty-five cents for each such dog for every forty-eight hours thereafter, until the same be killed; provided that it shall be proved to the 45 satisfaction of the Justice of the Peace before whom such suit shall be brought for the recovery of such penalties, that such dog or dogs has or have worried or otherwise injured such sheep or lamb; and provided also, that no such penalties shall be enforced in case it shall appear to the satisfaction of such 50 Justice of the Peace that it was not in the power of such owner or keeper to kill such dog or dogs.
- Payment not to be made until on or after 1st March in each year.
- Proviso; if found insufficient payment, it be made *pro rata*.
- Proviso; if Owner of Dog be afterwards found.
- Repayment to be paid by Sheep owner recovering from Dog owner.
- Dogs known to worry sheep to be killed by Owner.
- Penalty for neglect.
- Proviso.
- Proviso.

Dogs not paid for to be killed.

Penalty on Collector not making return.

Liability of Dog owner to Sheep owner where tax not imposed.

Fees and returns by J. P.'s.

Proviso.

Fees not to be a charge upon the fund created by this Act.

13. In cases where parties have been assessed for dogs and the Township Collector has failed to collect the taxes authorized by this Act, he shall report the same under oath to any Justice of the Peace, and such Justice may order such dogs to be destroyed; and in case any Collector neglects to make said report within the time required for paying over the taxes levied in the municipality, he shall be liable to a penalty of ten dollars and costs, to be recovered in the same way and manner as already provided in section number eight of this Act.

14. If the Council of any Riding, County, or Union of Counties, should, as already provided by By-law decide to dispense with the levy of the aforesaid tax in the municipality within its jurisdiction, the owner of any sheep or lamb to the contrary notwithstanding may sue the owner or keeper of any dog or dogs for the damage or injury done by said dog or dogs to said sheep or lamb, and the same shall be recovered in the way and manner provided by section eight of this Act.

15. Every Justice of the Peace shall be entitled to charge such fees in cases of prosecutions under this Act as it is lawful for him to do in other cases within his jurisdiction, and shall make the returns usual in cases of conviction, and also a return in each case to the Clerk of the municipality, whose duty it shall be to enter the same in a book to be kept for that purpose; save and except that if the owner or keeper of any dog or dogs liable under this Act cannot be found, and the aforementioned two-thirds share of the damages proved has to be paid by the municipality, the said Justice shall receive from the owner of the sheep or lamb killed, the sum of fifty cents for the certificate provided for in the ninth section of this Act; and in no case shall the fees of investigation become a claim or charge upon the fund created by this Act.

3rd 14 23 January 1869

Mr. BOYD

No. 17.]

BILL.

[1868.

An Act to amend the Act for the further improvement of Grammar Schools in Upper Canada, (now Ontario.)

WHEREAS doubts have arisen as to the intention of the Preamble.

Grammar School Law, with regard to the admission of girls into the Grammar Schools of Ontario; and also as to the daily attendance of girls therein, being taken as a basis for the appropriation of the Legislative Grant:—

And whereas it is expedient for the purpose of removing such doubts to amend Section Seven, of the Act Chaptered Twenty-three, of the Twenty-Ninth Victoria, intituled, “An Act for the further improvement of Grammar Schools in Upper Canada.”
10 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. Section Seven of the Act passed in the twenty-ninth year of Her Majesty's Reign, and chaptered twenty-three, intituled an Act for the further improvement of Grammar Schools
15 in Upper Canada, is hereby repealed. Section seven of 29 V., repealed.

2. The appropriation payable half-yearly to the Grammar Schools, shall be made to each school conducted according to Law, upon the basis of the daily average attendance at such schools, of pupils in the programme of studies, prescribed according to Law for Grammar Schools; such attendance shall be
20 certified by the Head Master and Trustees, and verified by the Inspector of Grammar Schools; it being nevertheless understood, that the word pupils includes girls as well as boys. Basis of appropriation to Grammar Schools.
Girls and boys to be admitted.

3. The foregoing Section shall be read in Section Seven, of
25 the “Act for the further improvement of Grammar Schools in Upper Canada,” (now Ontario.) Foregoing Section to be taken in lieu of one repealed.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend the Act for the further improvement of Grammar Schools in Upper Canada, (now Ontario.)

Received and read first time, Nov. 6, 1868.

Second Reading, Nov. 10, 1868.

Mr. BOYD.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

Discharged 27

No. 18.]

BILL.

[1868.

An Act respecting Advances to Lumbermen.

WHEREAS no provision is made by law for the purpose of Preamble.
securing advances made to Lumbermen, and whereas it
would be expedient to have such provision made; Therefore
Her Majesty, by and with the advice and consent of the Legis-
5 lative Assembly of Ontario, enacts as follows:

1. In case of an agreement in writing for advances for the Agreements
purpose of enabling any one to enter into and carry on the to secure
manufacture of square, flat or round timber, railroad ties, advances.
floats, traverses, saw logs, sawed lumber or cordwood, such
10 advances, when so made, shall give, and be held to give, to the
person making said advances, the right to hold the aforesaid
timber, ties, floats, traverses, saw logs, sawed lumber or cord-
wood, as security for the aforesaid advances.

2. Every such agreement shall act as a mortgage upon the Contents of
15 aforesaid, made or to be made, timber, ties, floats, traverses, saw agreements
logs, sawed lumber or cordwood; and if executed in good faith, and
and not for the purpose of defeating any legal creditor of the affidavits.
person receiving the aforesaid advances, shall set forth fully
the terms, nature and effect of the agreement, the amount of
20 liability intended to be created, the mark or marks under
which the said timber, ties, floats, traverses, saw logs, sawed
lumber or cordwood are to be so held, and the time within
which the said advances are to be returned, and shall within
ten days from the time of execution, accompanied by the
25 affidavit of a witness thereto of the due execution thereof, and
by the affidavit of the person making the aforesaid advances,
that the aforesaid agreement is made in good faith, as before
provided, be registered in full as hereinafter provided.

3. In case such agreement be not registered as to time and Unless regis-
30 terms as hereinbefore provided, it shall be absolutely null and tered, agree-
void as against the creditors of the person receiving the afore- ments void.
said advances, and also against subsequent purchasers in good
faith for valuable consideration.

4. On the execution and registration of the aforesaid agree- Agreement
ment, the right of property on the made, or to be made, above to hold right
35 recited timber, ties, floats, traverses, saw logs, sawed lumber or of property,
cordwood, shall be held as in the person making the aforesaid but not to
advances, free from all liability, other than the wages that may hold longer
be due the person or persons for making the same, as well as than one
the ground-rent, stumpage, or duty to be paid the owner or year, except
40 owners of the land on which the same may be manufactured; for unavoid-
able causes.

but the aforesaid agreement shall not hold the aforementioned timber, ties, floats, traverses, saw logs, sawed lumber or cordwood longer than one year, save and except that if from unavoidable causes their transportation to market, or to the place of settlement that may be agreed upon, be prevented, then, and in that case the said agreement shall remain in force till the said causes cease to exist. 5

Agreements
to be regis-
tered in the
office of Clerk
of County
Court.

5. The agreement mentioned in the preceding sections shall be registered in the office of the Clerk of the County Court of the Riding, County, or Union of Counties where the person receiving the aforesaid advances resides at the time of the execution thereof, as well as in the office of the Clerk of the County Court of the Riding, County, or Union of Counties where the aforementioned timber, ties, floats, traverses, saw logs, sawed lumber or cordwood shall be, or has been made; and such Clerks shall file all such agreements presented to them respectively for that purpose, and shall endorse thereon the time of receiving the same in their respective offices, and the same shall be kept there for the inspection of all persons interested therein, or intending, or desiring to acquire any interest in all, or any portion of the property covered thereby. 10 15 20

Who shall
enter the
same.

6. The said Clerks respectively shall number every such agreement or copy filed in their offices, and shall enter in alphabetical order, in books to be provided by them, the names of all parties to such agreements, with the numbers endorsed thereon opposite to each name, and such entry shall be repeated alphabetically under the name of every party thereto. 25

How to pro-
ceed if tim-
ber, &c.,
secured are
about to be
removed out
of Province,
or if advances
be not paid at
time and place
agreed.

7. In the event of any attempt being made to remove the aforesaid timber, ties, floats, traverses, saw logs, sawed lumber or cordwood out of the Province of Ontario, before the payment of the aforesaid advances, or in the event of the person receiving said advances refusing to repay such advances at the time and place agreed upon, it shall be lawful for the person who made the same, having made oath setting forth the facts of the case to take by himself, his agent, or agents, and hold possession of the said timber, ties, floats, traverses, saw logs, sawed lumber or cordwood, but subject nevertheless to the usual process of the Courts of law for the collection of debts as made and provided; and immediately upon having taken such possession, the oath made and a statement in detail of the property so taken and held shall be deposited in the office of the Clerk of the County Court of the Riding, County or Union of Counties where the agreement mentioned in the preceding sections, or a copy thereof, had been registered. 30 35 40 45

The Clerks
certificate to
be evidence
of registra-
tion.

8. A copy, of such original, or of a copy thereof, so filed as aforesaid, including any statement or oath made in pursuance of this Act, certified by the Clerk in whose office the same has been filed, under the seal of the Court, shall be received in evidence in all Courts, but only of the fact that such agreement or copy and statement were received and filed according to the endorsement of the Clerk thereon, and of no other fact; and in all cases the original endorsement by the Clerk made in pursuance of this Act, upon any such instrument or copy, shall be received in evidence only of the fact stated on such endorsement. 50 55

9. All affidavits, oaths and affirmations required by this Act shall be taken and administered by any Judge or Commissioner of the Courts of Queen's Bench or Common Pleas, or Justice of the Peace in Ontario, and the sum of Twenty cents shall be paid for each and every oath then administered.

Who to administer the affidavits, &c., and fee.

10. On any writ, precept or warrant of execution against goods and chattels, the Sheriff or other officer to whom such writ, warrant or precept is directed, may seize and sell the interest, over and above the advances made as aforesaid, or to be made of the party against whom such writ has issued, and such sale shall be held to convey whatever interest the person receiving said aforementioned advances had as above provided in the aforesaid timber, ties, floats, traverses, saw logs, sawed lumber or cordwood at the time of the seizure.

The interest of Lumberman saleable in execution.

11. For services under this Act the Clerks aforesaid shall be entitled to receive the following fees:

Fees for service.

1. For filing each agreement and affidavit, and for entering the same in a book as aforesaid, twenty-five cents;

2. For searching for each paper, ten cents; and

3. For copies of any document with certificate prepared, filed under this Act, ten cents for every hundred words.

12. In all cases where the words "*person*" or "*party*" are used in the foregoing clauses, they shall be understood as applying to the plural as well as the singular number.

Person or party to be construed in the plural as well as singular number.

No. 18.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act respecting Advances to Lumbermen.

Received and read first time, Nov. 6th 1868.
Second reading, Nov. 10th 1868.

MR. BOYD.

TORONTO.

PRINTED BY HUNTER, ROSE & CO.

3rd

Reading January 18th 1889

No. 19.] BILL. [1868.

An Act to provide for the Registration of Births, Marriages and Deaths.

WHEREAS it is expedient to provide a correct system of Preamble.
Registration of Births, Marriages and Deaths; Therefore,
Her Majesty, by and with the advice and consent of the Legis-
lative Assembly, enacts as follows:—

- 5 1. The Provincial Secretary shall be, for the purposes of this Act, the Registrar-General of the Province. Provincial Secretary to be Registrar-General.
2. Each County, or Union of Counties for Municipal purposes, each City, and Towns withdrawn from the jurisdiction of the County in which it is situate, shall be Registration Dis-
10 tricts, and the Clerks of such Municipality shall be, for the purposes of this Act, District Registrars. County, Union of Counties, Cities and Towns, Registration Districts, etc.
3. Each Township, or Union of Townships, Incorporate
Village, Town and every Ward in Cities, when the population
of such Ward exceeds three thousand souls, shall be Registra-
10 tion Divisions, and the Clerks of such Municipalities shall be, for the purposes of this Act, Division Registrars. Townships, Villages and Wards in Cities to be Registration Divisions, etc.
1. The Municipal Council of each City shall, at it meeting in
the year 186 , by by-law, group the Wards, so as to make the
divisions embrace all the population, by joining Wards not hav-
15 ing the requisite population to the next Ward most convenient to the same, and appoint a competent person to act as Division Registrar for each such Ward or Union of Wards.
2. The Municipal Council of each Town may, by by-law,
form a second Registration Division within the bounds of the
20 Municipality, when the populatian of the town shall exceed five thousand souls, and shall appoint a competent person to act as Division Registrar therefor, and the Town Clerk shall, on the passage of such by-law, notify the District Registrar of the formation of the second Division, its boundaries, and the name
25 of the Registrar so appointed.
3. The Municipal Council of each Township may, by by-
law, form a second Registration Division within the bounds of
the Municipality, when the population of the Township exceeds
four thousand souls, and shall in such case appoint a competent
30 person to act as Division Registrar therefor, and the Township Clerk shall, on the passage of such by-law, notify the District Registrar of the formation of the second Division, its boundaries, and the name of the Registrar so appointed.

Lieutenant-Governor shall appoint Registrars in districts of Algoma and Nipissing.

4. The Lieutenant-Governor in Council, shall appoint such District and Division Registrars in the existing Districts of Algoma and Nipissing, as may be necessary to secure a faithful chronicle of the Births, Marriages and Deaths, occurring therein; and also in any Territorial Districts to be formed, until a Municipal Organization is obtained. 5

Registrar-General to procure necessary Books, etc.

5. The Registrar General shall procure the necessary Books for the District and Division Registrars, prepared according to Schedules A B and C, appended to this Act; with such additional columns as may from time to time be added thereto, by the Lieutenant-Governor in Council, in order to the procurement of correct statistical information; and he shall distribute the same to the several District Registrars.

District Registrar to transmit books, &c., to Division Registrars.

6. The District Registrars shall immediately on receipt of books, papers or orders from the Registrar General, transmit the same to the several Division Registrars in their districts; they shall also receive the returns, hereinafter provided for in this Act from the Division Registrars in their districts, and transmit the same forthwith to the Registrar General. 15

Division Registrars to receive books, make all entries, &c., and make returns to district Registrars.

7. The Division Registrars shall receive the books, papers or orders sent by the District Registrars, and keep the same in a place of safety; make all entries hereinafter required by this Act, and make quarterly returns on or before the days of the months of January, April, July and October, of the Births, Marriages and Deaths, to the District Registrar, which returns shall be an exact copy of the entries in the Books of the said Division Registrar. 25

The father or other persons to report births to Division Registrar.

8. The father of any child born in this Province, or in case of his death or absence, the mother, or in case of the death or inability of both parents, any person standing in the place of the parents, or if none such be, then the occupier of the house or tenement in which to his knowledge such child was born, or the nurse or some person present at the birth, shall within thirty days from the date of such birth, give notice thereof to the Division Registrar in which such child was born, giving as far as possible the particulars required in Schedule A, with such additional information as may be required by the Registrar General from time to time, which particulars shall be entered by the Division Registrars in his book; and for each such birth the person so reporting the same, shall at the time pay to the Division Registrar the sum of 40 cents.

The Registration of births of illegitimate children.

9. In registering the birth of an illegitimate child, it shall not be lawful for the name of any person to be entered as the father, unless at the joint request of the mother and of the person acknowledging himself to be the father; and in all cases of the registration of the birth of illegitimate children the Division Registrar shall write the word "illegitimate" in the column set apart for the name of the child, and immediately under the name, if any. 45

Time in which registration to be made.

10. Every registration of a birth shall be made within the time aforesaid, but nothing herein contained shall prevent the subsequent registration of such birth within the period of one year. 50

11. Some person present at the death of any person, or the occupier of the house and tenement in which a death shall take place, or if the occupier be the person who shall have died, then some one of the persons residing in the house in which the death took place, or if such death shall not have taken place within a house, then any person present at the death, or having any knowledge of the circumstances attending the same, shall, before the interment of the body or within ten days after, supply to the Division Registrar of the division in which such death took place, according to his or her knowledge or belief, all the particulars required to be registered touching such death by the form provided by this Act.

Report of deaths to Division Registrars and registration of same.

12. Every Clergyman, Minister, or other person authorized by the law to celebrate marriages, shall be required to report to the Registrar of the division within which such marriage is celebrated, within eight days from the date of such marriage, with the particulars required by Schedule B, appended to this Act: for every such marriage reported he shall pay to the Registrar the sum of _____ cents, which sum he shall be entitled to collect from the parties married in addition to the sum allowed by the Act, chap. 72, Consolidated Statutes Upper Canada, intituled "*An Act respecting Marriages.*"

Clergyman authorized to celebrate marriages to report to Division Registrar.

13. Notwithstanding any former enactments, no Clergyman, Minister or other person ordained or appointed over any church or congregation, and authorized to solemnize marriage, shall be required to make any other returns or reports than what is required by this Act, respecting births, baptisms, marriages or deaths.

No other reports except those named by this Act required.

14. Every physician or medical practitioner shall be required to report the death of any person whom he may have attended, professionally, to the Registrar of the division wherein such death may occur, within eight days of the date of such death; stating the nature of the disease or other cause of death, and other particulars required by Schedule C, so far as he can do so and also to report every birth at which he attended, professionally, giving, so far as practicable, the details required by Schedule A.

Physicians to report births and deaths.

15. If any District or Division Registrar refuses or neglects to perform the duties required of him in this Act, as such District or Division Registrar, he shall, for every such offence, upon conviction thereof before any Justice of the Peace, forfeit the sum of fifty dollars to Her Majesty; and it shall be the duty of the County Attorney in each County to prosecute such officials for any refusal or neglect to perform the duties required by this Act when notified by the Registrar-General, District Registrar or other parties.

Penalty if District or Division Registrar refuse to act.

16. The Registrar-General shall cause to be transcribed in separate books all the particulars communicated to him by the several Division Registrars through the District Registrars of the births, marriages and deaths in each Division, and the original returns after they have been so transcribed shall be arranged, indexed and bound and transmitted to the Registrar of Deeds for the County, to which they respectively belong, to be kept in his office for general reference.

Registrar-General to cause particulars to be entered in Books, the returns to be bound and sent to the Registrar of deeds in each County.

Parties entitled to search and certificate which shall be *prima facie* evidence.

17. All persons shall be entitled at all reasonable hours to search these records and to require and to receive extracts duly certified by the Registrar-General, which shall be evidence of the entry certified and *prima facie* evidence in any Court of Law or Equity in this Province of the facts therein stated, and for every such certificate the person so requiring the same shall pay a fee of cents. 5

Penalty in case parties neglect or refuse to report to Registrar as required.

18. If any householder, head of family, clergyman, physician or other person or persons required by this Act to report births, marriages and deaths refuses or wilfully neglects to do so within the time named, such persons shall for each and every offence forfeit and pay a sum not less than one dollar, nor more than twenty dollars in the discretion of the presiding justice, before whom the case shall be heard, and it shall be the duty of the Division Registrar to prosecute all such persons so neglecting or refusing to make the required reports. 10 15

Conviction and levy.

19. Any Justice of the Peace having jurisdiction within the locality where any offence against this Act has been committed, may hear and determine such complaint upon the oath of one or more credible witnesses, and shall have power in case the penalty and costs awarded by him be not forthwith paid upon conviction to levy the same by distress and sale of the goods and chattels of the offender, by warrant under his hand and seal, and the penalty when recovered shall be paid over by such Justice, one-half to the person complaining and one-half to the Treasurer of the Municipality, district or place where the offence shall have been committed; and in default of payment or sufficient distress, the offender may by warrant signed and sealed as aforesaid, be imprisoned in the Common Gaol for a period not less than one day nor more than twenty days at the discretion of such Justice, unless such penalty, costs and charges of 20 25 30 commitment be sooner paid.

In default of distress imprisonment.

SCHEDULE A—BIRTHS.

Registration District of Division of

No.	When born.	Name, if any.	Sex.	Name and surname of Father.	Name and maiden surname of Mother.	Rank or profession of Father.	Signature, description and residence of informant.	When registered.	Name of Accoucheur.	Signature of Registrar.

SCHEDULE B—MARRIAGES.

Registration District of

Division of

BRIDEGROOM.							BRIDE.						WITNESSES.							
His name.	Age.	Residence.	Place of Birth.	Condition.	Rank or Profession.	Name of Parents.	Her name.	Age.	Residence.	Place of Birth.	Spinster or Widow.	Name of Parents.	Name.	Residence.	Date of Marriage.	Religious denomina- tion of Bride- groom.	Religious denomina- tion of Bride.	By whom married.	By License.	By Banns.

SCHEDULE C—DEATHS.

Registration District of

Division of

No.	Name and surname of deceased.	When died.	Sex.	Age.	Rank or Profession.	Where born.	Certified cause of death and duration of illness.	Name of physician, if any.	Signature, description and residence of informant.	When registered.	Religious denomination.	Signature of Registrar.

No. 19.

2nd Session. 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to provide for the Registration of
Births, Marriages and Deaths.

Received and read, first time, Nov. 9, 1868.

Second reading, Nov. 12, 1868.

Mr. PARDEE.

TORONTO;

PRINTED BY HUNTER, ROSE & CO.

「1868.

WHEREAS by the custom of Merchants, a Bill of Lading of goods being transferable by endorsement, the property in the goods may thereby pass to the endorsee, but, nevertheless, all rights in respect of the contract contained in the Bill of Lading continue in the original shipper or owner, and it is expedient that such rights should pass with the property : and whereas, it frequently happens that the goods in respect of which Bills of Lading purport to be signed have not been laden on board, and it is proper that such Bills of Lading in the hands of a *bona fide* holder for value, should not be questioned by the master or other person signing the same, on the ground of the goods not having been laden as aforesaid :—

15 **1.** Every consignee of goods named in a Bill of Lading, and every endorsee of a Bill of Lading to whom the property in the goods therein mentioned shall pass, upon or by reason of such consignment or endorsement shall have transferred to, and vested in him all rights of suit, and be subject to the same liabilities in respect of such goods as if the contract contained in the Bill of Lading had been made to himself.

20 **2.** Nothing herein contained shall prejudice or effect any right of stoppage in transitee, or any right to claim freight against the original shipper or owner, or any liability of the consignee or endorsee, by reason or in consequence of his being such consignee or endorsee, or of his receipt of the goods by

25 or in consequence of such consignment or endorsement.

3. Every Bill of Lading in the hands of a consignee or endorsee for valuable consideration representing goods to have been shipped on board a vessel or train, shall be conclusive evidence of such shipment as against the master or other person signing the same, notwithstanding that such goods or some part thereof, may not have been so shipped, unless such holder of the Bill of Lading shall have had actual notice at the time of receiving the same that the goods had not in fact been laden on board, provided that the master or other person so signing, may exonerate himself in respect to such misrepresentation, by showing that it was caused without any default on his part, and wholly by the fraud of the shipper, or of the holder, or some person under whom the holder claims.

No. 20.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend the Law relating to Bills
of Lading.

Received and read, first time, Nov. 9, 1868.

Second reading, Nov. 12, 1868.

Mr. CLARKE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

Discharged 1st December "

No. 21.]

BILL.

[1868.

An Act to provide for the Trial of Issues and the Assessment of Damages, without a Jury in certain cases.

WHEREAS it is expedient to provide for the Trial of Issues and the Assessment of Damages, without a Jury, in cases where neither of the parties requires a Jury.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. In any action commenced after the passing of this Act, in the Court of Queen's Bench, or in the Court of Common Pleas, or in any of the County Courts, any of the parties may endorse on, or annex to, and file with any of the pleadings filed, and
10 serve with the copy of such pleading served by such party a notice in the following form

Take notice that the plaintiff (*or as the case may be*) requires a Jury in this case.

15 A. B.,
Attorney for the
Plaintiff, (*or as the case may be*.)

2. Unless such notice is so endorsed or annexed, and filed and served, any issue or damages, which would otherwise be tried or assessed by a Jury, shall be tried or assessed by the
20 Judge without a Jury; and the verdict of the Judge shall be of the same effect as the verdict of a Jury, save that it shall not be questioned on the ground of being against the weight of evidence.

3. Wherever the Issues are to be tried, or the damages are to
25 be assessed by the Judge without a Jury, instead of a *venire*, there shall be entered on the record the following :

"Therefore it is commanded that the said issue be tried (or the damages assessed as the case may be) by the Judge without a Jury."

30 4. The party entering the record in any cause, in which Issues are to be tried or Damages to be assessed by the Judge without a Jury, shall endorse thereon the words "No Jury," and the Clerk shall make a separate list in which he shall enter all the records so endorsed in the order in which the records are
35 received by him; and the Judge may call on the causes in the said list at such time and times as he finds most convenient for disposing of the business.

5. In all causes in which Issues are tried, or Damages are assessed by the Judge without a Jury, the same practice and procedure shall be pursued, and the parties shall be entitled and subject to the same rights and liabilities, incidents and process, as nearly as may be, as if the Issues had been tried or the Damages assessed by a Jury. 5

6. In all such causes, the Judge may defer the giving of his verdict for any time during the sitting of the Court, for which the record is entered.

7. The Judges of the Courts of Queen's Bench and Common Pleas, or any four of them of whom the Chief Justices shall be two, may make such rules, orders and forms as may be expedient to work out the Provisions of this Act, and may from time to time add to, alter, or repeal any such rules, orders and forms. 15

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to provide for the Trial of Issues, and the Assessment of Damages in certain cases without a Jury.

Received and read, first time, Nov. 9, 1868.

Second reading, Nov. 12, 1868.

Mr. BLAKE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

and
Discharged 12 Dec " 4 referred to Select Com

No. 22.]

BILL.

[1868.

An Act to amend Chapter 85 of the Consolidated Statutes of Upper Canada, entitled An Act respecting the Conveyance of Real Estate by Married Women.

WHEREAS it is desirable to amend Chapter 85 of the Consolidated Statutes of Upper Canada, entitled An Act respecting the Conveyance of Real Estate by Married Women; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Whenever any certificate on the back of any deed executed before the Fourth day May, one thousand eight hundred and fifty-nine, by any married woman, pursuant to the Act of the Parliament of Upper Canada, Chapter Two, or pursuant to the Act of the said Parliament of Upper Canada, passed in the second year of Her Majesty's reign, Chapter Six, has been signed by two Justices of the Peace, such certificate shall be held, and is hereby declared to be valid and effectual for all the purposes contemplated by said Acts, no matter what form of words may have been used in such certificates, and notwithstanding that such certificate may not state that the said married woman was examined apart from her husband, and notwithstanding such certificate is not in every respect as now required by first named Act.

BILL.

An Act to amend Chapter 85 of the Consolidated Statutes of Upper Canada, entitled
An Act respecting the Conveyance of Real Estate by Married Women.

Received and read, first time, Nov. 9, 1868.

Second reading, Nov. 12, 1868.

Mr. McLEOD.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

No. 23.]

BILL.

[1868.

An Act respecting Elections of Members of the
Legislative Assembly.

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Assembly of Ontario, enacts as follows:

1. Chapter Six of the Consolidated Statutes of the late Province of Canada, intituled "*An Act respecting Elections of Members of the Legislature*," also an Act passed by the Legislature of the said late Province of Canada, in the twenty-third year of Her Majesty's Reign, chapter seventeen, entitled, "*An Act for the more effectual prevention of Corrupt Practices at Elections*," also an Act passed by the said Legislature of the said late Province of Canada in a Session, held in the twenty-ninth and thirtieth years of Her Majesty's Reign, chapter thirteen, entitled, "*An Act to amend chapter six of the Consolidated Statutes of Canada, intituled an act respecting Elections of Members of the Legislature*," and all other acts or enactments conflicting or inconsistent with this Act are hereby repealed, so far as the same relate to the Province of Ontario.
- Acts repealed
Con. Stat.
Canada, c. 6.
23 Vict. c. 17.
29 & 30 Vict.
c. 13.

WHO SHALL NOT VOTE AT ELECTIONS.

2. The Chancellor and Vice Chancellors of Ontario, the Chief Justices and Judges of the Courts of Queen's Bench and Common Pleas in Ontario, all County Judges, all Recorders of Cities,—all Officers of the Customs of the Dominion of Canada,—all Clerks of the Peace, County Attorneys, Registrars, Sheriffs, Deputy Sheriffs, Deputy Clerks of the Crown and Agents for the sale of Crown Lands,—and all Officers employed in the collection of any duties payable to Her Majesty in the nature of duties of excise,—shall be disqualified and incompetent to vote at any Election.
- Persons disqualified from voting for Members of the Legislative Assembly

2. And if any public officer or person mentioned in this section votes at any such election, he shall forfeit thereby the sum of two thousand dollars, and his vote at such election shall be null and void.
- Penalty for contravention

3. No Returning Officer, Deputy-Returning Officer, Election Clerk or Poll Clerk,—and no person who, at any time, either during the Election or before the Election, is or has been employed at the said Election or in reference thereto, or for the purpose of forwarding the same, by any Candidate or by any person whomsoever, as Counsel, Agent, Attorney or Clerk, at any polling place at any such Election, or in any other capacity whatever, and who has received or expects to receive, either before, during or after the said Election, from any candi-
- Certain officers and persons not to vote.

date or from any person whomsoever, for acting in any such capacity as aforesaid, any sum of money, fee, office, place or employment, or any promise, pledge or security whatever therefor,—shall be entitled to vote at any Election;

No woman to vote. 4. No woman is or shall be entitled to vote at any such Election. 5

WHO MAY VOTE AT ELECTIONS.

Certain persons, and no others, may vote at elections, 5. The following persons, and no other persons, being of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, and not being disqualified under the preceding sections, or otherwise by law prevented from voting, shall, if duly registered or entered on the last revised and certified list of voters according to the provisions of this Act, be entitled to vote at Elections of Members to serve in the Legislative Assembly of this Province, that is to say : 15

Qualification of electors. 1. Every male person being actually and *bona fide* the owner, tenant, or occupant of real property of the value hereinafter next mentioned, and being entered on the then last revised Assessment Roll, for any City, Town, Village or Township, as the owner, tenant, or occupant of such real property of the actual value,—in Cities of five hundred dollars, in Towns of three hundred dollars, in incorporated Villages of two hundred dollars, and in Townships of two hundred dollars, shall be entitled to vote at Elections of Members of the Legislative Assembly, subject to the provisions hereinafter contained. 25

Partners, &c. 2. When any real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, it equally divided between them, to give a qualification to each, then each of them shall be deemed rated within this act; otherwise none of them shall be deemed so rated. 30

Algoma. 3. Provided that until the establishment of municipal Institutions in the District of Algoma, every male British subject resident therein of the full age of twenty-one years, shall be entitled to vote for a Member to represent the said District in the Legislative Assembly. 35

INTERPRETATION.

Interpretation of certain words. 6. Wherever the following words occur in any part of this Act, they shall be interpreted as follows :

Owner. 1. The word "Owner" shall signify proprietor, either in his own right or in the right of his wife, of an estate for life or any greater estate. 40

Occupant. 2. The word "Occupant" shall signify a person *bona fide* occupying property, otherwise than as owner or tenant, either in his own right, or in the right of his wife, but being in possession of such property and enjoying the revenues and profits arising therefrom to his own use;—and the word "Tenant" shall include any person who instead of paying rent in money is bound to render to the owner any portion of the produce of such property. 35

3. The words "to vote" in this Act shall mean to vote at the Election of a Member of the Legislative Assembly.

REGISTRATION OF VOTERS.

7. The Clerk of each Municipality shall immediately after the final revision and correction of the Assessment Rolls, in every year, make a correct alphabetical list of all persons entitled to vote therein, with the number of Lot or other description of the real property in respect of which each of them is so qualified; And after the division of any Municipality into Polling Subdivisions as hereinafter provided, the Clerk shall annually make out a similar voters' list for every such Sub-division.
2. The Clerk shall certify by oath or affirmation before any Justice of the Peace, to the correctness of every list so by him made out, and shall keep such certified lists among the records of the Municipality, and shall deliver a duplicate original thereof certified by oath or affirmation as aforesaid, to the Clerk of the Peace of the County or Union of Counties within which the said Municipality lies;—And all such lists shall be completed and delivered as aforesaid, on or before the first day of October in each year;
3. The period last mentioned as that within which the said lists shall be completed and delivered, (that is to say, the first day of October, in each year,) shall be directory only to the Clerk of each Municipality, and nothing herein contained shall render null, void or inoperative the said lists, in the event of their not being completed and delivered within the period aforesaid, but the said lists shall be valid and effectual for the purposes of this Act, even though not so completed and delivered by the said period of time;
4. But if any Clerk omits, neglects or refuses to complete or deliver the said lists on or before the first day of October in each year, according to the directions of this Act, or to perform any of the obligations or formalities herein required of him, such Clerk for each such omission, neglect or refusal, shall incur a penalty of two hundred dollars;
5. In case the Clerk of any Municipality does not complete or deliver the lists of voters duly certified, by the first of October in each year, it shall be the duty of the Clerk of the Peace forthwith to apply summarily to the County Judge or Acting Judge of the County Court for the County within which such Municipality is situate, to enforce the completion and delivery of such list;
6. The application may also be made by any person entitled to be named on such list as an elector;
7. The Judge shall, on such application, require the Clerk of the Municipality, and any other person he sees fit, to appear before him and produce the Assessment Roll, and any other documents relating thereto, and to submit to such examination on oath as may be required of him or them, and the Judge shall thereupon make such orders and give such directions as
- Lists of voters to be made from the Assessment-Rolls—and by whom.
- Clerk to certify by oath, to the correctness of such lists.
- Intent of the provision appointing the time for the completion of the list of voters.
- Penalty for not complying with this section.
- Provisions for enforcing the making of the lists.
- Elector may apply.
- Judge may require Clerk or other person to appear, and submit to examination, and may make all necessary orders, &c.

he may deem necessary or proper for enforcing the completion and delivery of the lists without any avoidable loss of time;

Liability for costs.

8. The Clerk of the Municipality shall be personally liable for and shall pay the costs of the proceedings, unless on some special grounds the Judge shall see fit to order otherwise, and in such special case the costs shall be in the discretion of the Judge;

Judges order not to release penalty.

9. Such proceeding and such order of the Judge shall not in anywise exonerate or release the Clerk from liability to the penalty hereinbefore imposed for neglect or refusal to complete the lists as hereinbefore mentioned.

No person to vote at any election, unless his name appears on the lists.

10. No person shall be admitted to vote, unless his name, appears on the last List of Voters, made, certified, and delivered to the Clerk of the Peace at least one month before the date of the Writ to hold such Election; and no question of qualification shall be raised at any such Election, except to ascertain whether the party tendering his vote is the same party intended to be designated in the alphabetical list as aforesaid;

When list of voters, &c., to be regarded as finally revised;

11. Any Assessment-Roll or List of Voters shall be understood to be finally revised and corrected, when it has been so revised and corrected by the Court of Revision for the Municipality, or by the Judge of the County Court, in case of an appeal as provided in the Act respecting the Assessment of Property in Ontario, or when the time during which such appeal may be made has elapsed, and not before, and shall be binding on every Committee of the Legislative Assembly, appointed for the trial of any Petition complaining of an undue election or return of a Member to serve in the Legislative Assembly.

And binding on Committees, &c.

PROVISIONS RELATIVE TO REGISTRATION.

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Proceedings, when list is shewn not to be correct, &c.

8. If at any time before the issuing of the Writ to hold any Election for a Member to serve in the Legislative Assembly, it is made to appear to the County Judge or acting Judge of the County Court for the County, that the Clerk of any City or other Local Municipality, in making the alphabetical lists of persons entitled to vote as aforesaid or the duplicate original thereof, has wilfully or inadvertently omitted or inserted any name which ought not to be inserted or omitted, or otherwise altered or falsified the same,—or that such alphabetical list or duplicate original is in point of fact not a correct list of all persons entitled to vote according to the Assessment-Roll as finally revised and corrected,—such Judge may require the Clerk of the City or other Local Municipality, or other officer having the custody of such Assessment-Roll, to appear before him and produce such Roll and Alphabetical List, and submit to such examination upon oath as may be required of him.

County Judge to make alterations and corrections, &c.

9. At the time and place appointed for the appearance of such person, the Clerk of the Peace shall attend before the County Judge with the duplicate alphabetical list in his possession; and the Judge may, on inspection of such Assessment-Roll and list, and with or without further proof, at his discretion, make such alterations and corrections in such lists as to him

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seem necessary and proper, in order that the same may be a correct list of all persons entitled to vote according to the Assessment-Roll as finally revised and corrected and according to the spirit and meaning of this Act.

5 10. The Clerk of the Peace and any Clerk of any City or Municipality or part of any Municipality, having the custody of the list of voters of any City or Municipality, or part of any Municipality or place, shall furnish a certified copy of such lists, then last revised and corrected, to any person who shall require
 10 such copy, on being paid for the same by such person at the rate of three cents for every ten voters whose names are on such list.

Copies of lists to be furnished on demand and payment of certain fees.

11. If the Clerk of any City or Municipality neglects to make the Alphabetical Lists as required by the seventh section of this Act, or in making out any certified list of persons entitled to vote wilfully inserts or omits any name which ought not to have been inserted or omitted, or otherwise alters or falsifies the same so that it is not the correct list of all persons entitled to vote according to the Assessment-Roll, as finally revised and corrected,—or if any Clerk, Returning Officer, Deputy-Returning Officer, Clerk of the Peace, or any other person whose duty it is to deliver copies or have the custody of any certified list of voters as aforesaid, wilfully makes any alteration, omission or insertion, or in any way falsifies any
 15 such certified list or copy,—every such person shall incur a penalty of two thousand dollars.

Clerks, &c., willfully falsifying or altering lists of voters to be guilty of felony.

RETURNING OFFICERS OF MEMBERS OF THE LEGISLATIVE ASSEMBLY.

12. Subject to the provision hereinafter made as to Counties divided into Ridings—

1. The Sheriffs for the time being of the several Counties and Unions of Counties for judicial purposes shall be *ex officio* Returning Officers for the Counties and Unions of Counties for purposes of Representation in the Legislative
 35 Assembly, over which or over any County in which their authority as such Sheriffs extends, and in which they respectively reside, and also for the respective Cities and Towns sending Members to the said Assembly and lying within the local limits of such Counties or Unions of Counties; And for
 30 the several other Counties or Unions of Counties for the purpose of Representation in the said Assembly, for which no Sheriff is under the foregoing provisions *ex officio* the Returning Officer, the Registrars of Deeds for the time being for such Counties or Unions of Counties, or of any of the Counties
 35 included in such Unions of Counties, shall be *ex officio* Returning Officers:

Sheriffs to be Returning Officers for Counties, Unions of Counties and Cities, &c.

And if no Sheriff, the Registrar of Deeds.

2. And if in any case there is more than one person who may under the foregoing provisions be *ex officio* Returning Officer for any place, then the Writ of Election may be directed
 40 to either of them, and the person to whom it is directed shall alone act as such Returning Officer; and if in any case it happens that Writs of Election issue at the same time, or so nearly at the same time that the one is not returnable before

If there is more than one person who may act as Returning Officer, Writ may be directed to either, but one alone to act.

the other or others issue, for several places for which the same person would, under the foregoing provisions, be *ex officio* Returning Officer, then only one of such Writs shall be directed to such person, and the other or others to such other person or persons, qualified in the manner provided by the fourteenth section of this Act, as the Lieutenant-Governor shall appoint to be the Returning Officer or Officers;

Provision with regard to Counties in Ontario divided into Ridings.

3. In each of the Counties in Ontario which are divided into Ridings, the Sheriff or Registrar of Deeds, who would under the preceding provisions of this section be the Returning Officer for such County, shall be the Returning Officer for the Riding thereof in which he resides and where there is a Sheriff who is Returning Officer for one Riding, the Registrar or Registrars of Deeds for the other Riding or Ridings shall be *ex officio* Returning Officer for such other Riding or Ridings respectively; subject always to the preceding provisions of this section;

Proviso as to Leeds and Grenville.

4. Provided always, that the Sheriff of the United Counties of Leeds and Grenville shall be *ex officio* Returning Officer for the North Riding of Leeds and Grenville,—the Registrar of Deeds for the County of Leeds shall be *ex officio* Returning Officer for the South Riding of Leeds,—and the Registrar of Deeds for the County of Grenville shall be *ex officio* Returning Officer for the South Riding of Grenville.

In case no one can *ex officio* be Returning Officer for any place, &c., Governor may appoint a person, &c.

13. If in any case it happens, that there is no person, who, under the provisions of this Act, can be *ex officio* Returning Officer for any place for which an Election is to be held, or the person who would or might be such Returning Officer is absent from the Province, or incapacitated from sickness or otherwise from performing the duties of Returning Officer, then the Lieutenant Governor may appoint any person qualified under this Act to be Returning Officer for such place.

Qualification of any person so appointed Returning Officer, &c.

14. No person, other than a Sheriff or Registrar aforesaid, shall be so appointed or act as Returning Officer for any County, Riding, City or Town, or other electoral Division, in this Province, unless at the time of his appointment such person is an elector for such County, Riding, City or Town, or other Electoral Division, then duly and legally qualified to vote at the election of a member for the same, nor unless he has continually resided therein during at least twelve months immediately preceding his appointment:

Penalty for acting without qualification.

2. And any person who, being so appointed, acts as Returning Officer for any one of the said Counties, Ridings, Cities or Towns, or any other Electoral Division, without possessing the qualifications hereinbefore required, shall thereby incur a penalty of two hundred dollars.

Certain persons excluded from serving as Returning Officers.

15. None of the persons hereinafter designated in this section, shall in any case be appointed or act as Returning Officer, or as Deputy-Returning Officer, or as Election Clerk, or as Poll Clerk, that is to say:

The parties.

First. The Members of the Executive Council;

Second. The Members of the Parliament of the Dominion of Canada;

Third. The members of the Legislative Assembly ;

Fourth. Any Minister, Priest, or Ecclesiastic, under any form or profession of religious faith or Worship ;

Fifth. The Judges of the Courts of Superior Civil and Criminal Jurisdiction, as well as the Judges of County Courts ;

Sixth. All persons who have served in the Legislature of this Province as Members of the Legislative Assembly, in the session next immediately preceding the election in question, or in the then present session if the election takes place during a session of the said Legislature.

2. And if any one of the persons above mentioned in this section is appointed to act and acts as Returning Officer, or as Deputy-Returning Officer, or as Election Clerk, or as Poll Clerk, he shall thereby incur a penalty of Two hundred dollars. Penalty on parties excluded acting as Returning Officers

15 16. None of the persons hereinafter mentioned in this section, unless they are Sheriffs or Registrars, or Town Clerks, or Assessors, shall be obliged to act as Returning Officer, or Deputy-Returning Officer, or as Election Clerk or Poll Clerk, that is to say : Certain parties exempt from serving.

20 *First.* Physicians and Surgeons ;

Second. Millers ;

Third. Post-Masters ;

Fourth. Persons being sixty years of age, or upwards ;

Fifth. Persons who have previously served as Returning Officers.

17. Every Sheriff or Registrar, and every other person having the qualifications required by this Act for acting as Returning Officer, who refuses to perform the duty of Returning Officer at any such Election as aforesaid, after having received the writ of Election, shall for such refusal incur a penalty of two hundred dollars ; unless such person, not being a Sheriff or Registrar, and having a right to claim the exemption granted by the next preceding section, has in fact claimed such exemption by letter to the Clerk of the Crown in Chancery, forwarded within two days next after the receipt of such Writ of Election, setting forth the grounds of such exemption, Penalty on parties not exempt, refusing to serve as Returning Officers.

GENERAL ELECTIONS.

18. Whenever after the passing of this Act, a new Legislative Assembly may be called, and a General Election be held for that purpose, the Lieutenant-Governor in Council shall fix the day for holding such Elections, and shall also fix the day on which the Polling shall take place, in cases where a Poll is demanded and granted. At General Elections Governor to fix the day of Election and for Polling.

2. At every such General Election, the Elections for each and every County, Riding, City, Town or other Electoral Division At General Election all Elections to

— the four
general election

be held on the same day, and all Polls held on one and the same day. throughout the Province, shall take place and be held on one and the same day; and the Polling at all such Elections, where Polls have been demanded and granted, shall also take place on one and the same day: and the respective days so fixed for holding such Elections, and for opening and holding the Polls, shall be stated and inserted in the Proclamation calling such General Election, and in the several Writs of Election in that behalf.

Time for holding Elections and for Polling. 3. The day so to be fixed as aforesaid for holding the said Elections shall not be more than 20 days, nor less than 16 10 days from the date of the Writs of Election, and the day for holding the Polls shall not be more than 8, nor less than 6 days after the day for holding the said Elections.

Teste and return. 4. There shall be forty days between the teste and the return of every Writ of Election. 15

The case of Algoma days to be fixed by Returning Officer. 5. Provided always that in the case of the District of Algoma, there shall be ninety days between the teste and return of the Writ of Election; and the days for holding the Election and for taking the votes of the Electors shall be fixed by the Returning Officer, and stated and set forth in his proclamation 20 in that behalf.

ISSUE OF THE WRIT.

Writs of Election to be addressed to the Returning Officers. 19. Whenever a Writ of Election is issued for the Election of a Member to serve in the Legislative Assembly of this Province, the same shall be addressed and directed to the Sheriff 25 or Registrar who is *ex officio* the Returning Officer for the Electoral Division, or to the person appointed by the Lieutenant-Governor, if such appointment is made according to the requirements of this Act.

PROCEEDINGS ON THE RECEIPT OF THE WRIT. 30

Duties of Returning Officers. 20. Each Returning Officer shall, on receiving the Writ of Election, forthwith endorse thereon the date of its reception:

Proclamation its form and contents. 2. Within three days next after the day of such reception, he shall, by a Proclamation under his hand, in the English language, and in the Form A. of the Schedule annexed to this 35 Act, declare the place, day and hour, at which the Election will be held.

Posting up of Proclamation. 3. He shall cause the said Proclamation to be posted up, in the manner hereinafter prescribed, at least eight days before the day fixed for holding the said Election, which day so fixed 40 shall be called the Nomination Day;

Place of Election. 4. The place at which such Election shall be held, shall be fixed by the Returning Officer, and shall be in the public place most central and most convenient for the great body of the Electors in the County, Riding, City or Town or other Electoral 45 Division for which he is acting as such Returning Officer, and the hour to be fixed shall be between eleven o'clock in the forenoon and two o'clock in the afternoon, of the day so fixed for opening such Election as aforesaid;

Hour.

5. In and by the Proclamation aforesaid, the Returning Officer shall also declare the day on which, in case a Poll be demanded and granted as hereinafter provided, such Poll shall be opened, in conformity to this Act, in each City, Township or Union of Townships or Ward, or part of Township, or Ward, (as the case may be,) for taking and recording the Votes of the Electors according to law; Polling day.
6. If the Election be for a City or Town, he shall cause the said Proclamation to be posted up at the City or Town Hall, and in some public place in each Ward of such City or Town; Place of posting up Proclamation in Cities and Towns.
7. If the Election be for a County or Riding, he shall cause the said Proclamation to be posted up at the Town Hall where there is one, and in at least one public place, in each Polling Subdivision of every Town, Township or Union of Townships in the Electoral Division in which the Election is to be held. In Counties &c.
8. Neither the day of nomination nor that of the posting of such proclamation, shall be included within the said eight days; How the eight days' notice shall be reckoned.
9. Any Returning Officer refusing or neglecting to cause such Proclamation to be posted up as above required, shall for such neglect or refusal, incur a penalty of two hundred dollars. Penalty for neglecting to post Proclamation.
21. Each Returning Officer shall, before the day fixed for opening the Election, take and subscribe before a Justice of the Peace for the County or District in which he resides, the Oath number one, in the Schedule to this Act; and such Justice of the Peace shall, (under a penalty of forty dollars, in case of refusal,) deliver to him, under the hand of such Justice, and in the form B of the said Schedule, a certificate of his having taken the said Oath, which, together with the said certificate, shall be annexed to his Return to the Writ of Election; And any Returning Officer who refuses or neglects either to take and subscribe the said Oath, or to annex it with the said certificate to his Return, shall, for such refusal or neglect, incur a penalty of forty dollars. Returning Officer to take oath of office. Justice administering it to grant a certificate. Penalty for refusing to take the oath.

ELECTION CLERKS.

22. Each Returning Officer shall, before the Nomination Day, appoint by a Commission under his hand, in the form C of the said Schedule, a fit person to be his Election Clerk, and to assist him in the performance of his duties as Returning Officer; Returning Officer to appoint an Election Clerk.
2. Such Election Clerk shall take and subscribe, either before a Justice of the Peace for the County or District in which he resides, or before the said Returning Officer, the Oath number two, in the said Schedule; and of his having taken such Oath, there shall be delivered to him by the person before whom he has been sworn, and under his hand, a certificate in the form D of the said Schedule; Election Clerk to take an oath of office. A certificate to be given.

- Penalty on persons refusing to perform the duty, &c.** 3. Any person so appointed as Election Clerk, who refuses to accept the said Office, or who, having accepted it, refuses or neglects to take and subscribe the said Oath, or to perform the duties of Election Clerk, shall, for such refusal or neglect, incur a penalty of forty dollars; 5
- Appointment of another Election Clerk.** 4. The Returning Officer may, either before or after the Nomination Day, appoint in the manner above mentioned, another person as his Election Clerk, whensoever the case requires, either by reason of the death, illness or absence of any Election Clerk previously appointed, or of his refusal or neglect to act, or otherwise; and such new Election Clerk so appointed shall perform all the duties, and comply with all the obligations of his Office, under the same penalty in case of refusal or neglect on his part, as is hereinbefore imposed in like cases; 10
- In case the Returning Officer is unable to perform his duty.** 5. Whenever any Returning Officer becomes unable to perform the duties of his Office, whether by death, illness, absence or otherwise, the Election Clerk, so by him appointed as aforesaid shall, under the same penalties in case of refusal or neglect on his part as are hereinabove imposed in like cases on the Returning Officer, act as, and shall be Returning Officer for the said Election, and shall perform all the duties and obligations of that Office, in like manner as if he had been duly appointed Returning Officer, and without being required to possess any other qualification, or to take any new Oath for that purpose; and in any such case the Election Clerk shall annex to his Return to the Writ of Election the said certificate of the Oath he has taken as Election Clerk, and also the Oath itself. 15 20 25
- Certificate to be annexed to the Return in such case.**

PROCEEDINGS ON THE NOMINATION DAY.

- Proceedings of the Returning Officer on the day of nomination.** 23. Every Returning Officer shall, at the time and place fixed as aforesaid for opening the Election, proceed to the Hustings, (which shall be held in the open air, at such place as that all the Electors may have free access thereto,) and shall make, or cause to be made, in the English language, in the presence of the Electors there assembled, a Proclamation in the Form E of the said Schedule, and shall then and there read, or cause to be read publicly, in the English language, the Writ of Election, and his Commission as Returning Officer when he has been appointed Returning Officer by Special Commission for such purpose, and shall then require the Electors there present to name the person or persons whom they wish to choose at the said Election to represent them in the said Legislative Assembly in obedience to the said Writ of Election: 30 35 40
- Proclamation reading of Commission, &c.**
- No show of hands, if Poll be demanded.** 2. No show of hands shall be taken on the Nomination Day, but if at the Nomination more than one Candidate be proposed, and a poll is then and there demanded by or on behalf of any one or more of such Candidates, the Returning Officer shall grant a Poll for taking and recording the votes of the Electors; 45
- Penalty for not granting a Poll if demanded.** 3. Any Elector present, or any Candidate in person, or by his agent, may demand a Poll, and when at any such Election a Poll is demanded, if the Returning Officer neglects or refuses to grant the same, the Election shall be *ipso facto* null; and 50

such Returning Officer shall, for such refusal or neglect, incur a penalty of one thousand dollars.

4. If only one candidate be nominated, or the electors there and then present agree in the choice, so to be made of the person to represent them, the Returning Officer, shall at the expiration of one hour from the nomination of such Candidate and not before, close the Election, and shall then and there openly proclaim the person so chosen to be duly elected.
- If only one candidate proposed within one hour, the party so proposed to be declared duly elected.

AGENTS FOR ABSENT CANDIDATES.

- 10 24. At any Election as aforesaid, whether on the day of the opening or at the Polling places opened and kept for such Election, in the absence of any person authorized in writing to act as Agent for any absent Candidate, any Elector in the interest of such Candidate, may at any time during the Election, declare himself to be and may act as the Agent of any such Candidate without producing any special authority in writing for that purpose;
- Who may act as Agent of any Candidate.

CANDIDATE'S QUALIFICATION AND DECLARATION, &c.

- 20 25. No person shall be qualified to be Elected a Member of the Legislative Assembly of Ontario, unless he shall be then seized at Law or in Equity as of Freehold, either in his own right or in right of his wife, for his own use and benefit, of lands or tenements in the Province of Ontario, of the actual value of two thousand dollars over and above all incumbrances; nor unless he shall, if required by any Candidate or Elector, make the following declaration in writing:
- Qualification of candidates, &c.

- "I, A. B., do declare and testify that I am duly seized at law or in equity as of freehold, for my own use and benefit, in my own right, or in right of my wife, or both, (as the case may be,) of lands or tenements, in the Province of Ontario, of the value of two thousand dollars, over and above all incumbrances affecting the same, and that I have not collusively or colourably obtained a title to or become possessed of the said lands and tenements or any part thereof, for the purpose of qualifying or enabling me to be returned a Member of the Legislative Assembly of the Province of Ontario."
- Declaration.

- "And I further declare that the lands or tenements aforesaid consist of (Insert here a full description of the property), which I hold by conveyance from one C. D. (as the case may be) registered in the day of 18," (or which I hold by descent, devise, or in right of my wife as the case may be. If the lands held partly by conveyance and partly by devise, descent, &c., state it accordingly), which declaration shall be signed by the party making the same, and shall be delivered to the Returning Officer before the name of the Candidate shall be entered upon the record of the proceedings kept by the Returning Officer, and in default thereof the nomination of such party shall be void, and his name shall not be entered upon the Poll Books as a Candidate at such Election.

Declaration may be voluntarily made beforehand. **26.** Any person may, with a view to his becoming a Candidate at any Election of a Member of the Legislative Assembly, at any time within two months before the day of Election, make such declaration as is mentioned in the next preceding section; and any such declaration may be delivered by any one on behalf of such person to the Returning Officer at the nomination, and shall have the same force and effect as if it had been made under the next preceding section.

How construed in such case.

Before whom taken. **3.** Such declaration shall be made either before the Returning Officer or before some Justice of the Peace, or the Mayor, or one of the Aldermen of some City or Town in this Province, and such Returning Officer, Justice of the Peace, Mayor or Alderman shall take the same, and shall attest it, by writing at the foot thereof, the words "taken and acknowledged before me," or other words to the like effect, and by dating and signing such attestation; and any person who shall wilfully make any false statement in any such declaration, shall incur a penalty of \$2000.

Wilfully false statements in such description to be a misdemeanor.

4. Every declaration so made and delivered to the Returning Officer, shall be by him attached to and returned with the Writ of Election to the Clerk of the Crown in Chancery.

SUBDIVISIONS FOR POLLING PLACES.

Cities, &c., with two hundred qualified voters to be divided. **27.** Every City, Town, Ward or Township having more than two hundred qualified Voters therein shall be divided by well defined boundaries, such as streets, side lines, concession lines or the like, in the most convenient manner into Polling Sub-divisions by By-Law of the Municipal Council having jurisdiction over the locality, and in such manner that the number of qualified Electors in the several Polling sub-divisions shall be as nearly equal as may be, and shall not in any one exceed two hundred; and such sub-division shall be made, immediately after the final revision and correction of the Assessment Roll of each such City, Town, Ward or Township which shall first happen after the passing of this Act; and whenever the number of qualified Voters in any such Polling Subdivision shall increase so as to exceed two hundred, such City, Town, Ward or Township shall be again in like manner divided into Polling sub-divisions so as to conform to the intent and meaning of this Act, and so again from time to time as like occasion shall require, the Municipal Council using on all occasions the then last revised and corrected Assessment Roll for that purpose. Provided always that an appeal shall lie from any such sub-division at the instance of any five of the Electors, to the Judge of the County Court, who shall promptly correct such sub-division so as to conform to the true intent and meaning of this Act.

Sub-divisions to be numbered consecutively. **2.** The said sub-divisions shall be numbered consecutively in and by the By-Law, by which they are established, and a copy of such By-Law certified under the seal of the Corporation to be a true and correct copy, signed by the Head or Clerk of the Municipality, shall be forthwith, after the making thereof, transmitted to and filed in the office of the Clerk of the Peace of the County or Union of Counties within which such Municipality is situate.

3. In case of failure on the part of any Municipal Council to divide any City, Town or other Local Municipality into Polling Sub-divisions, proportioned to the number of electors, as hereinbefore provided, or in case the time to appeal from the division should not have expired before the reception of the Writ, the Returning Officer shall provide for as many polling places for polling the votes of the electors in such City, Town or other Local Municipality, as shall correspond as nearly as may be, with the number of polling places which would have been required if the said City, Town or other Local Municipality had been sub-divided into the proper number of Polling sub-divisions.

Duty of Returning Officer in case polling divisions have not been established.

4. Whenever Polling sub-divisions shall have been established by the Municipal Council or shall have been provided for by the Returning Officer, a poll shall be opened and held in every such sub-division for taking the votes of the electors therein, and a copy or duplicate of the voters' list for the sub-division, shall be furnished for each polling place appointed therefor.

Copy of voters' list to be furnished for each polling place.

5. Whenever it appears by the Assessment Roll that any person is assessed for property within the Municipality sufficient to entitle him to vote, but that it lies partly within the limits of one of such sub-divisions and partly within another or others, the Clerk shall enter his name on the list of voters for each or every sub-division in which any part of such property is situate, and such person may vote at the polling place for either of such sub-divisions in his discretion; but no person shall vote or offer to vote at more than one polling place, in any County, Riding, City or Town, at any election, under a penalty of two hundred dollars.

When property partly in one Sub-division and partly in another, elector may vote in either.

28. The Returning Officer, on receiving the Writ of Election, shall fix one polling place for each Subdivision into which such City, Town or other Local Municipality may have been subdivided, in the most central and convenient place for the Electors of such subdivision, provided the number of polling places now required by law in Cities and Towns shall in no case be diminished, and that the polling places shall be at least two hundred yards distant from each other in Cities, Towns and incorporated Villages, and at least one mile distant from each other in other Local Municipalities.

Polling place in each polling division.

Proviso: as to distance between them.

2. But the building in which the Poll is held, shall not be a Tavern or place of public entertainment, and there shall be free access thereto to every Elector.

PROCEEDINGS WHEN A POLL IS GRANTED.

29. When at any such Election, a Poll has been granted, the Returning Officer immediately after having granted such Poll, and before adjourning his proceedings, shall publicly proclaim from the hustings the day previously fixed in and by his first Proclamation, and the places at which the Poll shall be so opened in each Polling Sub-division, or Ward, (as the case may be,) for the purpose of then and there taking and recording the votes of the Electors according to law.

Day of opening the Poll to be proclaimed from the hustings.

Poll not to be held on Sunday or certain holidays. **30.** The day to be fixed for opening the Poll as aforesaid, shall not be a Sunday, New Year's Day, Good Friday, Christmas Day, the First Day of July, or the Birthday of the Sovereign, and the Poll shall be opened and held on that day only, so that there be but one and the same day's polling, at any Special or General Election. 5

Hours of voting. **2.** On the day of polling the voting shall commence at o'clock in the forenoon, and shall finish at in the afternoon of the same day.

APPOINTMENT OF DEPUTY-RETURNING OFFICERS. 10

Deputy-Returning Officers to be appointed to hold the Polls. **31.** For the purpose of taking the votes at any such Election, the Returning Officer shall, by a commission under his hand and in the form F of the said Schedule, appoint some suitable person to be Deputy-Returning Officer for each such Polling Sub-division in which a polling place is to be opened 15 and kept,

Their oath of office, &c. **2.** Each Deputy-Returning Officer shall, before acting as such, take and subscribe, either before a Justice of the Peace for the County or District in which he resides, or before the Returning Officer, the Oath number Three in the said Schedule, 20 of the taking of which Oath there shall be delivered to him by the person before whom he has taken it, a Certificate under the hand of such person in the form G of the said Schedule ;

Penalty for refusing to perform the duty. **3.** Any person so appointed a Deputy-Returning Officer who 25 refuses to accept the said office, or who after having accepted the same refuses or neglects either to take and subscribe the said Oath or to perform the duties of a Deputy-Returning Officer, shall, for such neglect or refusal, incur a penalty of one hundred dollars. 30

Township Clerk to be Returning Officer for sub-division in which Town Hall is situated, &c. **32.** In Townships divided into Polling Sub-divisions under this Act, the Township Clerk shall be appointed by the Returning Officer to be Deputy-Returning Officer for the sub-division in which the Town Hall is situate, if there be a Town Hall in such Township, but if there be no such Town Hall, 35 then for the sub-division in which the first meeting of the Council of the Municipality for that year was held, and in case of absence, sickness or death of the Township Clerk, the Township Assessor or Collector shall be appointed such Deputy-Returning Officer. 40

Any Township attached to a Town for electoral purposes, to be considered a Ward of such Town. **2.** Any Township or part of a Township in Ontario which is by law made part of a Town for the purpose of representation, although not otherwise within the limits thereof, shall, for the purpose of holding an Election of a member of the Legislative Assembly, be dealt with, except as to the qualification of Electors, as if it were a Ward of such Town. 46

Another Deputy-Returning Officer may be appointed in certain cases. **33.** The Returning Officer may appoint in the manner above provided, another person to be Deputy-Returning Officer, when and so often as the case may require such appointment, either by reason of the death, illness or absence of a Deputy- 40 Returning Officer previously appointed, or by reason of his

refusal or neglect to act in that capacity, or otherwise ; and such new Deputy-Returning Officer so appointed shall perform all the duties and obligations of the said office under the same penalties in case of refusal or neglect on his part, as are herein-
 5 above imposed in like cases.

34. The Returning Officer shall, by a Warrant under his hand, in the form K of the said Schedule, and addressed to each of the Deputy-Returning Officers by him appointed as aforesaid, require such Deputy-Returning Officer to open and hold
 10 the Poll according to law, at the time and place fixed as hereinbefore provided and set forth in his said Warrant, and to take and record at such Poll, in a Book which such Deputy shall keep or cause to be kept for that purpose, in the form L of the said Schedule, the votes of the Electors voting at the
 15 said Poll, and to return to him the said Poll Book signed with his hand and sealed with his seal, on or before the third day after closing the Poll.

His Duties, &c.

Returning Officer to issue his warrant for holding the Polls, &c., to each of his Deputies.

Form of Poll book, return thereof, &c.

PROCEEDINGS PRELIMINARY TO POLLING.

Lists of Electors.

35. Every Returning Officer, upon granting a Poll at any Election for a Member to serve in the Legislative Assembly, shall ascertain that every Deputy-Returning Officer is in possession of a certified copy of the proper list of voters for the Electoral Sub-division, for which he is Deputy-Returning
 20 Officer :

Returning Officer to see that each of his Deputies is furnished with a proper list of voters.

2. If the Clerk of the Municipality is not the Deputy-Returning Officer, or if the copy in the possession of the Clerk has been lost or destroyed, the Returning Officer shall procure from the Clerk of the Peace a copy certified by him to be
 30 correct of the proper list of voters for such Polling Sub-division filed in his office, and shall cause the same to be delivered to the Deputy-Returning Officer ;

He shall procure such lists when requisite.

3. The Returning Officer shall be authorized to include any charge for obtaining such certified copies in the account of the
 35 general expenses of holding such Election, furnished by him to the Government.

And charge for them.

Appointment and general duties of Poll Clerks.

36. Every Deputy-Returning Officer shall, by a Commission under his hand, and in the form H of the said Schedule, appoint a Poll Clerk to assist him in taking the Poll according
 40 to law ; and each Poll Clerk appointed as aforesaid shall, before acting as such, take and subscribe, either before a Justice of the Peace for the County or District in which he resides, or before the Returning Officer, or such Deputy-Returning Officer, the Oath number Four, in the said Schedule, of the taking of
 45 which Oath there shall be delivered to him, by the person before whom it has been taken, a Certificate under his hand, in the form J in the said Schedule :

Deputy Returning Officers to appoint Poll Clerks.

Poll Clerks to take oaths of office, &c.

2. Any person so appointed a Poll Clerk who refuses to accept the said office, or who, after having accepted the same, refuses
 50 the said office, or who, after having accepted the same, refuses

Penalty for refusing to act, &c.

or neglects either to take and subscribe the Oath hereby required of him, or to perform the duties of a Poll Clerk shall, for such neglect or refusal, incur a penalty of forty dollars.

Duty of the Poll Clerk.

37. Each Poll Clerk shall, at the Polling place for which he is appointed, aid and assist, in the performance of the duties of his office, the Deputy-Returning Officer appointed to open and keep the Poll at such place in conformity to this Act, and shall obey the orders of the said Deputy Returning Officer:

To perform the duty of Deputy Returning Officer in certain cases.

2. If the Deputy-Returning Officer refuses or neglects to perform the duties of his office, or becomes unable to perform them, either by death, illness, absence or otherwise, and if in any such case no other Deputy-Returning Officer duly appointed by the Returning Officer in the place of the former, appears at the Polling place, then such Poll Clerk shall, (under the same penalties as are hereinbefore imposed in like cases on a Deputy-Returning Officer,) act at such Poll as Deputy-Returning Officer, and perform all the duties and obligations of that office, in the same manner as if he had been appointed Deputy-Returning Officer by the Returning Officer, and without being bound to take any new oath for that purpose; 20

In such case he may appoint another Poll Clerk.

3. Whenever any Poll Clerk, in the case hereinbefore provided, acts as Deputy-Returning Officer, he may appoint by a Commission under his hand, in the form H of the said Schedule, another person as Poll Clerk, to aid and assist him as aforesaid in the performance of the duties of his office, and may administer to such person the oath required of a Poll Clerk by this Act; and the Poll Clerk so appointed shall have the same duties and obligations as if he had been appointed Poll Clerk by the Deputy-Returning Officer himself; 25

Deputy Returning Officer may appoint another Poll Clerk in certain cases.

4. And also, whenever any Poll Clerk appointed under the requirements of this Act refuses or neglects to perform his duty as such, or becomes unable to perform it, either by death, illness, absence or other cause, the Deputy Returning Officer, whose Poll Clerk he was, may appoint by a Commission under his hand in the form H of the said Schedule, another person as Clerk at the said Polling place, to aid and assist him as aforesaid in the duties of his office, and may administer to him the Oath required of a Poll Clerk by this Act. 30 35

TAKING AND RECORDING THE VOTES.

Deputy Returning Officer to certify each page of the Poll book.

38. Each Deputy-Returning Officer shall write or print in full at the head of each page of the Poll Book used by him, the number of such page, and certify the same by his signature as follows: "Page Number One, (or Two, or as the case may be) A. B., Deputy-Returning Officer," and he shall certify in full words at the foot thereof, (before entering any name or vote in the next succeeding page) the first and last name and the total number of names entered thereon, and shall then sign the same, which certificate shall be to the effect following: "I certify that the total number of names of persons whose votes are recorded on this page is , whereof the first name is C. D, and the last is E. F.—Signed, A. B., Deputy-Returning Officer." 40 45 50

39. Each Deputy-Returning Officer shall, at the Polling place kept by him in conformity to this Act, record or cause to be recorded in such Poll Book as aforesaid, and in the order in which they shall be given, the votes, of the Electors voting at such Polling place, by entering therein the name, surname, legal addition and residence of each Elector so voting, and by shewing by the insertion of the word "Owner," or the word "Tenant," or "Occupant," in the said Poll Book, whether it is as a proprietor or as a tenant or occupant that such Elector claims the right of voting at such Poll; and when any Elector has taken the oath required of him by this Act, the Deputy-Returning Officer shall state in the Poll Book that such oath was taken by the Elector, by entering opposite the name of such Elector, in the proper column in the said Poll Book, the word "Sworn," and nothing more.

Mode of recording the votes in the Poll books.

As to electors sworn.

40. In every case where the vote of any person is objected to by any Candidate or his Agent, the Deputy-Returning Officer shall enter the objection in his Poll Book by writing opposite the name of the voter, in the column for objections, the words "objected to" only, mentioning at the same time by which Candidate, or on behalf of what Candidate the objection has been made, by adding after the words "objected to" the name only of such Candidate, and at the trial of any Controverted Election no objection shall be allowed against any vote unless it shall appear by the Poll Book to have been "objected to" at the Election.

Votes objected to, how to be distinguished in the Poll book.

41. The Deputy-Returning Officer, at any Election of a Member of the Legislative Assembly in any part of this Province, shall receive the vote of any person whose name he finds in the proper list of voters furnished to him, or in his possession as aforesaid,—provided that such person shall, if required by any Candidate, or the Agent of any Candidate, or by the Deputy-Returning Officer himself, take the following oath or affirmation, which such Deputy-Returning Officer is hereby empowered to administer:

Persons on the list of voters to be allowed to vote on taking a certain oath if required.

"You swear (or solemnly affirm) that you are (*name of voter as entered on the list*) whose name is entered on the list of voters now shown to you, that you are actually truly and in good faith possessed, to your own use and benefit, of the real estate in respect of which your name is entered on the said list of voters (*showing the list to the voter*) that you are a subject of Her Majesty by birth (or naturalization), that you are of the full age of twenty-one years,—that you have not before voted at this Election, either at this or any other polling place, and that you have not received any thing, nor has any thing been promised to you, either directly or indirectly, in order to induce you to vote at this Election. So help you God."

The oath.

And no other oath or affirmation shall be required of any person whose name is entered on any such list of voters as aforesaid.

No other oath to be taken.

42. Whenever any Deputy-Returning Officer has reason to know or believe that fraud or violence is being practised in violation of the rights of Electors, by which undue votes

Deputy Returning Officer must swear voters

in certain cases.

Penalty for not doing so.

Voter refusing to take the required oath.

Penalty for recording votes in such cases.

Deputy Returning Officer may administer the oath of allegiance to persons needing only such oath to become naturalized.

Interpreter may be employed and sworn in certain cases.

His oath.

Deputy Returning Officer to certify the state of the Poll at closing.

are tendered, or that any voter is not qualified, or has already voted at the said Election and offers to vote again, or tenders his vote under a false name or designation, or personates or represents himself falsely as being on the List of Voters,—such Deputy-Returning Officer, under penalty of two hundred dollars, shall administer the oath authorized by Law to such Voter, whether he be required to do so or not by any party, of which mention shall be made in the Poll Book :

2. And when any person offering to vote has been so required by the Deputy-Returning Officer, or by any of the Candidates or his Agent to take such oath or make such affirmation, and refuses to take or make the same, his refusal shall be stated by the Deputy-Returning Officer in his Poll Book, by entering opposite the name of such person the word "refused," and in every such case the vote shall not be taken or recorded in the said Poll Book ; and if any vote is in any such case taken and recorded, it shall be *ipso facto* null and void, and the Deputy-Returning Officer shall, for having taken and recorded the same, or for having caused it to be taken and recorded in his said Poll Book, incur a penalty of two hundred dollars.

43. Every Deputy-Returning Officer, during the continuance of his authority as such Deputy, may administer the oath or affirmation of allegiance to any person who, under the authority of any Act or Acts either of the Parliament of the late Province of Canada or of the late Province of Upper Canada, or of this Province would, upon taking such oath or affirmation, become entitled to the privileges of British birth in this Province without further residence therein, or other formality than the taking such oath or affirmation ; which oath or affirmation so taken before such Deputy-Returning Officer shall, for the purposes of such Election only, have a like effect—as if such oath or affirmation had been administered by any Commissioner or other Public Officer directed by such Acts or any of them.

44. Whenever any elector does not understand the English language, the Deputy-Returning Officer may employ an Interpreter to translate the Oath or Affirmation required of such Elector, as well as any lawful questions necessarily put to him and his answers ; and such Interpreter shall take before the said Deputy-Returning Officer the Oath, (or if he be one of the persons permitted by law to affirm in civil cases, the affirmation,) following :

"I swear (or affirm) that I will faithfully translate such oaths, declarations, questions and answers as the Deputy-Returning Officer shall require me to translate at this Election. So help me God."

45. The Deputy-Returning Officer shall, at the close of the polling, certify under his signature on the said Book, and in full words, the true state of the votes, at such close to the effect following : "I certify that the number of votes polled at the close of the polling in the Polling Sub-division of the Township (or as the case may be) of _____, is (the total number of votes polled) _____, where—of G. H. a candidate has polled _____ ; J. K. a Candidate has polled _____ ; L. M. a Candidate, has polled _____

“ (as the case may be).—Signed, A. B., Deputy-Returning Officer;” of which state of the votes he shall give certified copies to any person demanding the same, before he, the said Deputy-Returning-Officer, leaves the polling place.

46. No Returning Officer or Deputy-Returning Officer shall grant, make or enter into any scrutiny of the Votes given at any Election. No scrutiny.

PENALTIES FOR VOTING FRAUDULENTLY.

10 47. If at the Election of a Member to serve in the Legislative Assembly, any person knowingly personates and falsely assumes to vote in the name of another person whose name appears on the proper list of voters, whether such other person be then living or dead,—or if the name of the said other person be the name of a fictitious person,—every such person shall incur a penalty of two hundred dollars. Punishment for falsely personating a voter on the list.

20 48. Any person wilfully voting at any such Election, without having, at the time of his so voting, all the qualifications required by law for entitling him so to vote, knowing at the time that he was not so entitled, shall, for so doing, incur a penalty of two hundred dollars, and his vote shall moreover be null and void; and in any action or prosecution instituted as hereinafter provided against any such person for the recovery of the said penalty, the burden of the proof of such person, having, at the time of his so voting, at such election, all the said qualifications, or good reason for believing so, shall fall upon him and not upon the party instituting such action or prosecution; and any person who votes more than once at the same Election shall for so doing incur a like penalty of two hundred dollars, and every vote he gives subsequently to his first vote shall be null and void. Penalty on unqualified persons voting.
Proof of the qualification to be on the person voting.
Penalty for voting more than once at the same election.

35 49. If any lands or tenements are transferred or conveyed to any person, by any title or instrument whatever, fraudulently, and for the purpose of giving him the qualification requisite to enable him to vote, and if such person votes at any Election, upon such lands or tenements, he shall incur a penalty of two hundred dollars; and nevertheless such transfer or conveyance, notwithstanding any agreement to annul or revoke the same, or to reconvey such lands or tenements, shall be valid, as between the parties thereto, and every such agreement to annul or revoke any such transfer or conveyance, or to reconvey such lands or tenements shall be null and void. Penalty for fraudulently conveying lands in order to give a vote.
But the conveyance shall be valid.
Any agreement to the contrary notwithstanding.

PROCEEDINGS AFTER THE CLOSE OF THE POLLS.

45 50. Every Poll Clerk shall, after the closing of the Poll at which he has acted as such, but before the Deputy-Returning Officer who has kept the same has returned the Poll Book to the Returning Officer, as herein required, make and subscribe, either before a Justice of the Peace for the County or District in which he resides, or before the said Deputy-Returning Officer, or before the Returning Officer himself, the oath in the form M of the schedule hereunto annexed which oath shall thereafter be annexed to the said Poll Book: Oath to be made by each Poll Clerk before the Poll book is returned.

Oath to be made by the Deputy Returning Officer. 2. And the Deputy Returning Officer who has kept and closed the Poll shall, before returning the Poll Book as aforesaid to the Returning Officer, make and subscribe, either before a Justice of the Peace for the County or District where he resides, or before the said Returning Officer, the oath in the 5 Form N of the said schedule, which oath shall thereafter be annexed to the said Poll Book; and the Deputy-Returning Officer shall return the Poll Book, with such oath attached, to the Returning Officer on or before the third day after the closing of the Polls. 10

Penalties for neglect, etc. 3. Any Deputy-Returning Officer or Poll Clerk who refuses or neglects to perform any of the obligations or formalities required of him by this section, shall, for each such refusal or neglect, incur the penalty of two hundred dollars.

Poll book to be delivered by Deputy in person, unless in case of sickness, etc. 51. The Deputy-Returning Officer shall deliver the said Poll Book personally to the Returning Officer; and if he is unable to do so by sickness or otherwise, he shall deliver such Poll Book under a sealed cover to a person chosen by him, and shall mention on the outside of such cover the name of the person to whom it has been delivered under a sealed cover to be so transmitted, and shall take a proper receipt therefor;—And any Deputy-Returning Officer failing therein, or in any of the obligations or formalities herein prescribed as to the duties of Deputy-Returning Officers, and any person having taken charge of the Poll Book and failing to deliver the same so covered and sealed in the same state in which he received it, in due time and manner, shall incur a penalty of four hundred dollars. 25

Penalty for neglect.

CLOSING THE ELECTION, AND PROCEEDINGS THEREAFTER.

Ascertaining and notifying result of election. 52. The Returning Officer shall, so soon as he shall have received all the poll-books used at the election, by counting and adding up from each Poll Book, ascertain the total number of votes taken and received for each candidate at the election, as certified and sworn to by the several Deputy-Returning Officers, and shall within 10 days thereafter, make and transmit by mail, his return to the Clerk of the Crown in Chancery, and he shall also, upon application, deliver to each of the candidates or their agents, or if no application be made, he shall, within the same period, transmit by mail to each candidate, a statement of the number of votes polled for each candidate. 35

Proceedings in case any Poll Book is stolen, lost or destroyed. 53. In case any Poll Book is stolen or taken from its lawful place of deposit for the time being; or has been lost or destroyed, or otherwise placed beyond the reach of the Deputy-Returning Officer to whom the custody of such Poll Book for the time being belonged, at any time before he has made his return of the same to the Returning Officer, such Deputy-Returning Officer shall attend personally on the Returning Officer and report to him the fact of such loss of the said Poll Book, and the Poll Clerk of such Deputy-Returning Officer, so soon as he is informed of such loss personally or by letter, either by or from such Deputy-Returning Officer, or the Returning Officer himself, or has other good reasons for believing that such loss has occurred, shall forthwith attend personally on such returning Officer: 45 50

2. The Returning Officer shall examine such Deputy-Returning Officer and Poll Clerk upon oath or affirmation, as the occasion may require, as to such loss of the said Poll Book and the contents thereof, which examination shall be taken down
 5 by him in writing, and be subscribed by such Deputy-Returning Officer and Poll Clerk, and annexed to the return in lieu of such Poll Book; and the number of votes which the said Returning Officer shall by this means find to have been recorded in such Poll Book for each Candidate at such election, shall be
 10 included in his summing up of the Votes of such Election, as if the same had been taken from such Poll Book;

Examination of Deputy-Returning Officer and Poll Clerk, &c.

3. If either the Deputy-Returning Officer or the Poll Clerk omits to attend on such Returning Officer as hereby required, or refuses to be sworn or affirmed by such Returning Officer
 15 as aforesaid, he shall incur a penalty of two hundred dollars, and in the case of such refusal to be sworn or affirmed as aforesaid, shall and may be committed by the said Returning Officer to the common Gaol of the County or District, until thence discharged by an order in that behalf made by the Leg-
 20 islative Assembly.

Punishment of Deputy-Returning Officer or Poll Clerk refusing to attend or be sworn.

54. When the Returning Officer having received any Poll Book, or any document connected with the election, has reason to believe that the same has been altered, injured or obliterated, or that additions have been made thereto, he shall establish the
 25 true facts in the manner above provided in case of the loss of any Poll Book.

Duty of Returning Officer believing any Election Documents to be altered, &c.

55. Each Returning Officer shall make or cause to be made exact copies of all the Poll Books returned to him by his several Deputies, and within ten days after making his return to
 30 the Clerk of the Crown in Chancery as provided by the fifty-second Section of this Act, shall deposit such copies duly certified by him in the Office of the Registrar of deeds and titles for that County, Riding or part of a County within which the place where the nomination of the Candidates at such Election
 35 was made, is situate; and the said Registrar shall allow inspection thereof to any person who may demand the same on payment of a fee of twenty cents; and shall allow such person to take copies of the same at his own expense:

Returning Officer to have copies of the Poll Books made and deposit the same.

56. The Returning Officer shall forward to the Clerk of the
 40 Crown in Chancery, with his return to the Writ of Election, copies of the lists of voters used at that election, duly certified as such by him.

Copies of the list of voters used to be sent to Clerk of the Crown with the writ.

KEEPING THE PEACE AND GOOD ORDER AT ELECTIONS.

57. From the time when any Returning Officer or Deputy-
 45 Returning Officer has taken and subscribed the Oath of Office as such, until the day next after the final closing of the polls at such Election, such Returning Officer or Deputy-Returning Officer, respectively, shall be a Conservator of the Peace, and invested, for the maintenance of the peace, for the arrest, detention or ad-
 50 mission to bail, trial and conviction of any person or persons who break the law or trouble the peace, with the same powers with which Justices of the Peace are invested in this Province.

Returning Officer and his Deputies to be Conservators of the Peace during a certain time.

They may require the aid of Justices of the Peace, Constables, &c., and swear in Special Constables.

2. And for the maintenance of the peace and of good order at such Election, each such Returning Officer or Deputy-Returning Officer, respectively, may require the assistance of all Justices of the Peace, Constables, and other persons present at the Election, whether at the place of holding the Election, or at any Polling place, to aid him in so doing, and may also swear in as many Special Constables as he deems necessary;

May arrest disturbers, or order them to be arrested for a certain time.

3. And each such Returning Officer or Deputy-Returning Officer, respectively, may arrest or cause to be arrested by verbal order, and may place in the custody of one or more Constables or other persons, for such time as in his discretion he deems expedient, any person disturbing the peace and good order, or may cause such person to be imprisoned for any such offence, under an order signed by him, for any period not later than the final closing of the Election or of the Poll, respectively; which order, all persons shall obey without delay, under a penalty, for any refusal or neglect so to do, of twenty dollars;

Such detention not to prevent other punishment.

4. And no such arrest, detention or imprisonment shall in any manner exempt the person so arrested, detained, confined or imprisoned, from any pains or penalty to which he has become liable by reason of anything by him done contrary to the true intent and meaning of this Act or otherwise.

Special Constable to be sworn in certain cases.

58. On a requisition in writing made by a Candidate or by his Agent, or by any two or more Electors, any Returning Officer or Deputy-Returning Officer shall swear in such Special Constables.

Returning Officer, or his Deputy, may demand the surrender of all arms.

59. Any Returning Officer or Deputy-Returning Officer may, during any part of the day whereon any such Election is to be begun, holden or proceeded with, or on which any Poll for such Election is to be begun, holden or proceeded with, demand and receive from any person whomsoever, any offensive weapon, such as fire-arms, swords, staves, bludgeons or the like, with which any such person is armed, or which any such person has in his hands or personal possession:

Penalty for refusing to surrender the same.

2. And every such person, who upon such demand, declines or refuses to deliver up to such Returning Officer or Deputy-Returning Officer, any such offensive weapon as aforesaid, shall incur a penalty of twenty dollars.

Certain batteries during election time to be deemed aggravated assaults.

60. Every person convicted of a battery committed during any part of the days whereon any such Election, or any Poll for such Election is to be begun, holden, or proceeded with, within the distance of two miles of the place where such Election or such Poll is so begun, holden, or proceeded with, shall incur a penalty of fifty dollars.

Entertainment not to be furnished to electors.

61. No Candidate for the representation of any County, Riding, City, Town, or other Electoral Division shall with intent to promote his Election, nor shall any other person, with intent to promote the Election of any such Candidate, either provide or furnish entertainment at the expense of such Candidate or other person, to any meeting of Electors assembled for the purpose of promoting such Election, previous to or during the Election at which he is a Candidate, or pay for, procure or engage to pay for any such entertainment;

2. Except only that nothing herein contained shall extend to any entertainment furnished to any such meeting of Electors, by or at the expense of any person or persons at his, her or their usual place of residence. Except at the residence of the party furnishing it.

5 **62.** Except the Returning Officer or his Deputy, or the Poll Clerk, or one of the Constables or Special Constables, appointed by such Returning Officer or his Deputy, for the orderly conduct of such Election or Poll, and the preservation of the public peace thereat, no person who hath not had a stated residence in the Township or Union of Townships, or Ward, or subdivision, for at least six months next before the day of such Election, shall come during any part of the day upon which such Poll is to remain open, into such Township or Union of Townships, Ward, or subdivision, armed with offensive weapons of any kind, as fire-arms, swords, staves, bludgeons, or the like; nor shall any person whomsoever being in such Township, Union of Townships, Ward, or subdivision, arm himself during any part of such day with any such offensive weapons, and thus armed approach within the distance of two miles of the place where the Poll for such subdivision is held, unless called upon to do so by lawful authority. With certain exceptions, no stranger shall come armed into any parish, &c., while the Poll is open therein. Nor shall any armed person approach within two miles of the Poll.

63. No Candidate for the representation of any Electoral Division, or any other person, shall furnish or supply any ensign, standard, or set of colours, or any other flag, to or for any person or persons whomsoever, with intent that the same should be carried or used in such Electoral Division, on the day of Election, or within eight days before such day or during the continuance of such Election or Polling, by such person or any other, as a party flag, to distinguish the bearer thereof and those who might follow the same, as the supporters of such Candidate, or of the political or other opinions entertained or supposed to be entertained by such Candidate, nor shall any person for any reason carry or use any such ensign, standard, set of colours, or other flag, as a party flag, within such Electoral Division on the day of any such Election or Polling, or within eight days before such day, or during the continuance of such Election. Party ensigns, flags, &c., not to be carried during any election or within eight days before it.

64. No Candidate for the representation of any Electoral Division, or any other person, shall furnish or supply any ribbon, label, or the like favor, to or for any person whomsoever, with intent that the same should be worn or used within such Electoral Division on the day of Election or Polling, or within eight days before such day, or during the continuance of such Election, by such person or any other as a party badge to distinguish the wearer, as the supporter of such Candidate, or of the political or other opinions entertained or supposed to be entertained by such Candidate, nor shall any person use or wear any ribbon, label or other favor, as such badge, within such Electoral Division, on the day of any such Election or Polling, or within eight days before such day, or during the continuance of such Election. Party badges, &c., not to be used during like time.

65. Every person offending against any of the provisions of the four next preceding sections, shall incur a penalty of one hundred dollars. Punishment for contravening the four next preceding sections.

All taverns,
&c., to be
strictly closed
during the
polling day.

66. Every hotel, tavern, and shop in which spirituous or fermented liquors or drinks are ordinarily sold, shall be closed during the day appointed for polling in the wards or municipalities in which the polls are held, and no spirituous or fermented liquors or drinks shall be sold or given therein during the said period,—under a penalty of one hundred dollars against the keeper thereof. 5

PREVENTION OF CORRUPT PRACTICES AT ELECTIONS.

Certain acts
to be bribery
by Candi-
dates, &c.

67. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly :— 10

Giving
money, &c.,
to voters.

1. Every person who shall directly or indirectly, by himself or by any other person on his behalf, give, lend or agree to give or lend, or shall offer or promise any money or valuable consideration, or promise or endeavour to procure any money, or valuable consideration, to or for any voter, or to or for any person on behalf of any voter, or to or for any person, in order to induce any voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of such voter having voted or refrained from voting at any such election ; 15

Procuring
office, &c., for
or to voters.

2. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give or procure, or agree to give or procure or offer or promise, any office place or employment, or promise to procure, or to endeavour to procure any office, place or employment to or for any voter or to or for any other person, in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of any voter having voted or refrained from voting at any election ; 20 25

Or to or for
persons who
can influence
voters.

3. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in parliament, or the vote of any voter at any election ; 30

Corruptly in-
fluencing
voters.

4. Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procure or engage, promise or endeavor to procure the return of any person to serve in parliament or the vote of any voter at any election ; 35

Advancing or
paying money
for bribery
purposes.

5. Every person who shall advance or pay or cause to be paid any money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or re-payment of any money wholly or in part expended in bribery at any election ; 40 45

Offence to be
a misdemean-
our.

And any person so offending shall incur a penalty of two hundred dollars. Provided always, that the actual personal expenses of any candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertizing, shall be held to be expenses lawfully incurred, 50

Penalty.

Proviso.

and the payment thereof shall not be a contravention of this Act.

68. The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly : Certain acts by votes to be bribery.

- 5 1. Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receive, agree, or contract for any money, gift, loan or valuable consideration, office, place, or employment, for himself or any other person, for voting or agreeing to vote, or for re- Contracting to vote for money, &c.
- 10 fraining or agreeing to refrain from voting at any election ;
2. Every person who shall, after any election, directly or in- Receiving money to vote, etc.
- 15 directly, by himself or by any other person on his behalf, receive any money or valuable consideration, on account of any person having voted or refrained from voting, or having induced any other person to vote or to refrain from voting at any elec- tion ;

Any person so offending shall incur a penalty of two hundred dollars. Penalty on bribers.

69. If any person elected or returned to the Legislative As- Party elected sembly is proved guilty before any Election Committee, of using proved guilty of bribery election void, &c., shall thereby be declared void, and he shall be incapable of Incapacity. being a Candidate, or being elected or returned during that Parliament.

25 70. Upon its being proved before any Election Committee of the Legislative Assembly, at the trial of any contested Election, that any Elector voting at the said Election was bribed, his vote shall be null and void. Votes corruptly given to be struck off the Poll Book.

71. And whereas doubts may arise as to whether the hiring Hiring Vehicles to convey voters to polls, etc., to be illegal.

30 of teams and vehicles to convey electors to and from the Polls, and the paying of Railway Fares and other expenses of voters, be or be not according to law, it is declared and enacted, that the hiring or promising to pay or paying for any horse, team, carriage, cab or other vehicle, by any candidate, or by any person on his behalf, to convey voters to or near or from the Poll or from the neighborhood thereof, at any election, or the payment by any candidate or by any person on his behalf of the travelling and other expenses of any voter in going to or returning from any election, shall be illegal acts, and the person so offending shall thereby incur a penalty of thirty dollars

35 And any elector who shall hire any horse, cab, cart, waggon, sleigh, carriage, or other conveyance to any candidate or to any agent of a candidate for the purpose of conveying electors to or from the polling place or places, shall *ipso facto* be disqualified from voting at such election, and for every such offence shall

40 incur a penalty of thirty dollars.

45 And in elec- tors as well as Candidates.

72. Every person who shall, directly or indirectly, by him- Persons using violence or intimidation at elections to be guilty of undue influence.

50 self or by any other person on his behalf make use of or threaten to make use of any force, violence or restraint, or inflict, or threaten the infliction by himself or by or through any other person, of any injury, damage, harm or loss, or in any manner

practise intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall, by abduction, duress, or any fraudulent device or contrivance, impede, prevent, or otherwise interfere with the free exercise of the franchise of any voter, or shall thereby compel, induce, or prevail upon any voter either to give or refrain from giving his vote at any election, shall be deemed to have committed the offence of *undue influence*, and shall incur a penalty of two hundred dollars. 10

Persons not excused from answering before committees, &c., on the ground that answers may criminate them.

73. No person shall be excused from answering any question put to him in any action, suit, or other proceeding in any Court, or before any Judge, Commissioner, or Select Committee, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate himself, shall be used in any criminal proceeding against such person, other than an indictment for perjury, if the Judge, Commissioner, or Chairman of the Committee shall give to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answers, to the satisfaction of the Judge, Commissioner, or Committee. 25

Contracts arising out of elections to be void.

74. Every executory contract or promise or undertaking, in any way referring to, arising out of, or depending upon any Election under this Act even for the payment of lawful expenses, or the doing of some lawful act, shall be void in law; but this provision shall not enable any person to recover back any money paid for lawful expenses connected with such election. 30

PENALTIES AND PUNISHMENTS.

Person stealing or unlawfully taking or falsifying documents relating to elections, &c.

75. If any person unlawfully, either by violence or stealth, takes from any Deputy-Returning Officer or Poll Clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroys, injures or obliterates, or causes to be wilfully or maliciously destroyed, injured or obliterated, or makes or causes to be made any erasure, addition of names or interlineation of names, in, to or upon, or aids, counsels or assists in so taking, destroying, injuring or obliterating or making any erasures, addition of names, or interlineation of names, in, to or upon, any List of Voters or any Writ of Election, or any Return to a Writ of Election, or any Poll Book, Certificate or Affidavit, or any other document or paper, made, prepared or drawn out according to or for the purpose of meeting the requirements of this Act or any of them,—every such offender shall incur a penalty of two thousand dollars. 50

Penalty.

Abettors punishable as principals.

76. Every person who aids, abets, counsels, or procures the commission of any such violation of this Act, as in the next preceding clause mentioned, shall incur a penalty of two thousand dollars.

77. All penalties imposed by this Act shall be recoverable, with full costs of suit, by any person who will sue for the same by action of debt or information, in any of her Majesty's Courts in this Province having competent jurisdiction; and in default of payment of the amount which the offender is condemned to pay, within the period to be fixed by such Court, such offender shall be imprisoned in the Common Goal of the place until he has paid the amount which he has been so condemned to pay, and the costs :

How penalties under this Act shall be recoverable.

Payment thereof how enforced.

10 2. It shall be sufficient for the plaintiff in any action or suit given by this Act, to state in the declaration that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence for which the action or suit is brought, and that the defendant had acted contrary to this Act, without mentioning the Writ of Election or the Return thereof;

What it shall be sufficient to state in the declaration.

3. It shall not be necessary on the trial of any suit or prosecution under this Act, to produce the Writ of Election or the Return thereof, or the authority of the Returning Officer founded upon any such Writ of Election, but general evidence of such facts shall be sufficient evidence;

On the trial, writ, &c., need not be produced.

4. Every action, suit or information given by this Act, shall be commenced within the space of one year next after the fact committed, and not afterwards.

Limitation of suits under this Act.

FEES AND EXPENSES.

78. The Fees hereinafter mentioned, and no other, shall be allowed to the several Officers hereinafter mentioned, respectively, for their services and disbursements at any Election, that is to say :

Fees for services and disbursements at Elections.

TO THE RETURNING OFFICER.

For attendance on the day of opening Election,

84

Returning Officer.

For making up and transmitting Return

For an Election Clerk, for each day when attendance is required,

35 For two Constables, each *per diem*

For each Copy of Proclamation or Notification of Election, required by law to be posted,

For each Commission appointing Deputy-Returning Officers and an Election Clerk,

40 For each Warrant to Deputy-Returning Officer to take the Poll,

For each mile actually and necessarily travelled for attending the place of Election, for posting Proclamations or Notifications, and for transmitting Commissions to Deputies, and

45 Election Clerk, and Poll Books,

For each Poll Book furnished to Deputies,

For each copy of the same, (and when such Copy is furnished by him to any Elector to be paid for by such Elector), at per folio of a hundred words;

Certain dis-
bursements
allowed.

The Returning Officer to be allowed the actual reasonable expenses incurred by him in providing Hustings or places for holding Elections, and such reasonable expenses as are incurred in transmitting Poll Books and returns to the Clerk of the Crown in Chancery. 5

TO EACH DEPUTY-RETURNING OFFICER.

10

Deputy-Re-
turning Offi-
cer, &c.

For each day of holding the Poll,

For the Commission appointing a Poll Clerk,

For a Poll Clerk, each day,

To the Deputy and Clerk respectively, for each mile actually and necessarily travelled to and from the place of polling for the purpose of taking the oaths required by law, 15

For two constables, each *per diem*,

For each mile actually and necessarily travelled for transmitting Poll Books and Returns to the Returning Officer,

The reasonable and actual expenses incurred in providing Hustings or Polling places to be allowed; 20

Mileage to
Justice of the
Peace in cer-
tain cases.

When the attendance of any Justice of the Peace is required to administer the oaths to be taken in a public manner by the Deputy-Returning Officer and Polling Clerks, such Justice of the Peace to be allowed for each mile actually and necessarily travelled by him, in going and returning, (to be charged in the account of the Returning Officer,) ten cents; 25

How the said
allowances
shall be paid
and account-
ed for.

Which said fees, allowances and disbursements shall be paid over to the Returning Officer, by Warrant of the Lieutenant Governor, directed to the Treasurer of the Province, out of the Consolidated Revenue Fund of the Province, and shall be distributed by such Returning Officer to the several Officers and persons entitled to the same under the provisions of this Act, which distribution he shall report to the Lieutenant Governor through the Provincial Secretary. 35

MISCELLANEOUS PROVISIONS.

Oaths, &c.,
under this
Act to be ad-
ministered
gratuitously.

79. Any person before whom it is hereby required that any oath be taken, or any affirmation made in the manner herein provided, shall administer such oath or affirmation gratuitously.

To whom
copies of this
Act shall be
sent.

80. One copy of this Act (with a copious alphabetical Index prefixed) for the Returning Officer, and one for each of his Deputies, shall be transmitted with the Writ of Election to each Returning Officer. 40

81. The expression "Electoral Division" in this Act, means any County, or other place or portion of this Province, entitled to return a Member to the Legislative Assembly. Meaning of term "Electoral Division."

82. This Act may be cited as "*The Election Law, 1868.*"

SCHEDULE I.

FORM A, REFERRED TO IN THE TWENTIETH SECTION OF THIS ACT.

Proclamation of the Returning Officer declaring the time and place fixed for the opening of the Election, and also the day for opening the Poll.

PROCLAMATION.

County (Riding, City, Town or Electoral Division, as the case is) of _____, to wit:

Public Notice is hereby given to the Electors of the County, (or as the fact is) of _____, that in obedience to Her Majesty's Writ to me directed, and bearing date the _____ day of the month of _____, I require the presence of the said Electors at _____ in the _____ (or Township, or in the City or Town) of _____ (here describe the place distinctly, whether the Election be for a County or for any other Electoral Division), on the _____ day of the month of _____, at _____ o'clock in the _____ noon, for the purpose of electing a person (or persons, as the case may be), to represent them in the Legislative Assembly of this Province; And that in case a Poll be demanded and allowed in the manner by law prescribed, such Poll will be opened on the _____ day of the month of _____, in the year _____, at the following places: (here, mention each of the Townships, Wards, or Polling Subdivisions in which a Polling place is to be opened and kept according to law). Of all which every person is hereby required to take notice and to govern himself accordingly.

Given under my hand at _____, this _____ day of the month of _____, in the year 18 _____.

(Signature) A. B.

Returning Officer.

2.

OATH NO. 1, REFERRED TO IN THE TWENTY-FIRST SECTION OF THIS ACT.

Oath of the Returning Officer.

I, the undersigned, A. B., Returning Officer for the County

(Riding, or as the fact is) of _____, solemnly swear (or if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I am legally qualified according to law to act as Returning Officer for the said County (Riding, or as the fact is) of _____, and that I will act faithfully in that capacity, without partiality, fear, favor or affection. So help me God.

(Signature) A. B.

Returning Officer

3.

FORM B, REFERRED TO IN THE TWENTY-FIRST SECTION OF THIS ACT.

Certificate of the Returning Officer having taken the Oath of Office.

I, the undersigned, hereby certify that on the _____ day of _____, 18____, A. B., the Returning Officer for the County (or as the fact is) of _____ took, and subscribed before me the Oath (or affirmation) of office in such case required of a returning Officer by the twenty-first Section of the Election Law of 1868.

In testimony whereof, I have delivered to him this Certificate.

(Signature) C. D.

Justice of the Peace

4

FORM C, REFERRED TO IN THE TWENTY SECOND SECTION OF THIS ACT.

Commission of an Election Clerk.

To E. F. (set forth his legal addition and residence;)

Know you, that in my capacity of Returning Officer for the County (or as the fact is) of _____, I have appointed and do hereby appoint you to be my Election Clerk, to act in that capacity according to law at the approaching Election for the said County (or as the fact is) of _____, which Election will be opened by me on the _____ day of _____ of the month of _____ 18____.

Given under my hand, _____, this _____ day of the month of _____, in the year _____ 18____.

(Signature) A. B.

Returning Officer.

OATH NO. 2, REFERRED TO IN THE TWENTY SECOND SECTION
OF THIS ACT.

Oath of the Election Clerk.

I, the undersigned, E. F., appointed Election Clerk for the County *(or as the fact is)*, solemnly swear, *(or, if he be one of the persons permitted by law to affirm, solemnly affirm)* that I will act faithfully in my said capacity as Election Clerk, and also in that of Returning Officer, if required to act as such, according to law, without partiality, fear, favor or affection. So help me God.

(Signature) E. F.
Election Clerk.

6.

FORM D, REFERRED TO IN THE TWENTY SECOND SECTION OF
THIS ACT.

*Certificate of the Election Clerk having taken the
Oath of Office.*

I, the undersigned, hereby certify that on the _____ day of the month of _____ 18____, E. F., Election Clerk for the County *(or as the fact is)* of _____, took and subscribed before me the Oath *(or affirmation)* of office required in such case of an Election Clerk, by the twenty-second Section of "the Election Law, 1868."

In testimony whereof, I have delivered to him this Certificate under my hand.

(Signature,) C. D.
Justice of the Peace.
or, A. B.
Returning Officer.

7.

FORM E, REFERRED TO IN THE TWENTY-THIRD SECTION OF
THIS ACT.

*Proclamation which the Returning Officer is to cause to be read
at the Hustings, on the day of the opening of the Election.*

OYEZ. OYEZ. OYEZ.

All persons are commanded and strictly enjoined to keep silence while Her Majesty's Writ for the present Election is publicly read, under the pains and penalties in such case provided,

FORM F, REFERRED TO IN THE THIRTY-FIRST SECTION OF THIS
ACT.

Commission of a Deputy-Returning Officer.

To. G. H. (*insert his legal addition and residence.*)

Know you, that in my capacity of Returning Officer for the
County (*or as the fact is*) of
I have appointed and do hereby appoint you to be Deputy-
Returning Officer, for the Polling Subdivision of the
Township (*or as the fact is*) of , in the said
County (*or as the fact is*) of , there to take and record
the Votes of the Electors according to law, at the Polling place
to be by you opened and kept for that purpose.

Given under my hand, at , this
day of the month of in the year 18 .

(Signature,) A. B.
Returning Officer

9.

OATH NO. 3, REFERRED TO IN THE THIRTY-FIRST SECTION OF
THIS ACT.

Oath of Deputy-Returning Officer.

I, the undersigned, G. H. appointed Deputy-Returning
Officer for the Polling Subdivision of the Town-
ship (*or as the fact is*) of in the
County, (*or as the fact is*) of
solemnly swear (*or, being one of the persons permitted by law
to affirm in civil cases, solemnly affirm*) that I will act faith-
fully, in my said capacity of Deputy-Returning Officer, without
partiality, fear, favor, or affection. Se help me God.

(Signature,) G. H.
Deputy-Returning Officer.

10.

FORM G, REFERRED TO IN THE THIRTY-FIRST SECTION OF
THIS ACT.

*Certificate of the Deputy-Returning Officer (or, one of the De-
puty-Returning officers, as the fact is,) having taken the
Oath of Office.*

I, the undersigned, hereby certify that on the
day of the month of , G. H., Deputy-
Returning Officer for the Polling Subdivision of the
Township (*or as the fact is*) of , in the

County (*or as the fact is*) of _____ took
and subscribed the oath (*or affirmation*) of Office required in
such case of a Deputy-Returning Officer, by the thirty-first
Section of the "Election Law of 1868"

In testimony whereof, I have delivered to him this Certificate
under my hand.

(Signature,) C. D.
Justice of the Peace.

or, A. B.
Returning Officer.

11.

FORM H, REFERRED TO IN THE THIRTY-SIXTH AND THIRTY-
SEVENTH SECTIONS OF THIS ACT.

Commission of a Poll Clerk.

To I. J. (*insert his legal addition and residence.*)

Know you, that in my capacity of Deputy-Returning Officer
for the _____ Polling Subdivision of the Township of _____
(*or as the fact is*) in the County (*or as the
case is*) of _____, I have appointed and do
hereby appoint you to be Poll Clerk for the said
Polling Subdivision of the said Township of (*or as the case
may be*).

Given under my hand, at _____ this _____ day
of the month of _____, in the year, _____ 18 _____.

(Signature,) G. H.
Deputy-Returning Officer.

12.

OATH NO. 4, REFERRED TO IN THE THIRTY-SIXTH SECTION OF
THIS ACT.

Oath of a Poll Clerk.

I, the undersigned, I. J., appointed Poll Clerk for the
Polling Subdivision of the Township (*or as the case may be*)
of _____ in the County of _____
(*or as the case may be*), do solemnly swear (*or, if he
be one of the persons permitted by law to affirm in civil cases,*
23-E

do solemnly affirm) that I will act faithfully in my capacity of Poll Clerk, and also in that of Deputy-Returning Officer, if required to act as such, according to law, without partiality, fear, favour or affection. Se help me God.

(Signature,) I. J.,
Poll Clerk.

13.

FORM J, REFERRED TO IN THE THIRTY-SIXTH SECTION OF THIS ACT.

Certificate of the Poll Clerk having taken the Oath.

I, the undersigned, hereby certify, that on the
day of the month of , I. J., Poll Clerk for
Polling Subdivision of the Township of
(or as the case may be) in the County
(or as the fact is) of , took and subscribed be-
fore me the oath (or affirmation) of office required of a Poll
Clerk in such cases by the thirty-seventh Section of the
Election Law of 1868.

In testimony whereof, I have delivered to him this certificate
under my hand.

(Signature,) C. D.,
Justice of the Peace.

or A. B.,
Returning Officer.

or G. H.,
Deputy-Returning Officer

14.

FORM K, REFERRED TO IN THE THIRTY-FOURTH SECTION OF THIS
ACT.

*Warrant of the Returning Officer to each of his Deputies, for
opening and holding the Polls.*

County (or as the fact is) of

To G. H. Deputy-Returning Officer for the Polling Sub-
division of the Township (or as the fact is) of in the
County (or as the fact is) of , to wit:

Whereas by Her Majesty's Writ to me directed, and bearing
date the day of the month of I am
commanded to hold an election of Member
(or Members) to represent the County (or as the fact is) of
in the Legislature of this Province; And whereas a

Poll having been demanded, was granted by me according to law ; These are therefore to authorize and require you to open and hold the Poll of such Election for the Polling Sub-division of the Township *(or as the case may be)* on the day of the month of at o'clock in the forenoon, *(here describe particularly the place in which the Poll is to be held)*, and there to keep the said Poll open during the hours prescribed by law, and to take and record at the said Polling place, in a Book which you will keep for that purpose in the manner by law provided, the votes of the electors voting at the said Polling place, and to return to me the said Poll Book, signed with your hand and sealed with your seal, together with this Warrant, on or before the day of the month of 18 .

Given under my hand, at , this day of the month of , in the year 17 .

(Signature,)

A. B.

Returning Officer.

~~~~~

Page Number . . . . .

FORM L, REFERRED TO IN THE THIRTY EIGHTH SECTION OF THIS ACT.

(Signed), A. B.,  
Deputy Returning Officer.

FORM OF A POLL BOOK.

| Number of the Voters. | NAMES OF THE VOTERS. | Their legal addition. | Their places of residence. | Owners. | Tenants or Occupants. | Description of Lots and Range<br>or Concession, or otherwise,<br>as the fact is. | Objections. | Sworn. | Voters refusing to take the<br>Oath. | NAMES OF CANDIDATES. |       |       |       |       |
|-----------------------|----------------------|-----------------------|----------------------------|---------|-----------------------|----------------------------------------------------------------------------------|-------------|--------|--------------------------------------|----------------------|-------|-------|-------|-------|
|                       |                      |                       |                            |         |                       |                                                                                  |             |        |                                      | A. B.                | C. D. | E. F. | G. H. | J. K. |
|                       |                      |                       |                            |         |                       |                                                                                  |             |        |                                      |                      |       |       |       |       |

I certify that the total number of names of persons whose votes are recorded on this page is  
is E. F.

(Signed),  
A. B.,  
Deputy Returning Officer.

, whereof the first name is C. D., and the last



*Oath of the Poll Clerk after the closing of the Poll.*

(Signature,) J. J.  
Poll Clerk.

(Signature,) X. Y.  
Justice of the Peace.

Or

or

A. B.  
Deputy-Returning Officer.

*Oath of the Deputy-Returning Officer after the closing of the Poll.*

I, the undersigned, Deputy-Returning Officer, for the  
Polling Subdivision of the Township (or as the case may be) of  
in the County (Riding, City or

Town, *as the case may be*) of  
do solemnly swear, *(or if he be one of the persons permitted by  
law to affirm in civil cases, do solemnly affirm)*, that to the best  
of my knowledge and belief the Poll Book kept for the said  
, *(as the case may be)* under my direction, hath  
been so kept correctly: and that the total number of votes  
polled in such Poll Book is , whereof C. D., a  
Candidate, has polled votes, *(and so on as the  
case may be)* and that to the best of my knowledge and belief,  
it contains a true and exact record of the votes given at the  
Polling Place in the said , *(as the case may be)*,  
as the said votes were taken at the said Polling Place.

*(Signature,)* A. B.  
Deputy-Returning Officer.

Sworn before me at , in the County of  
, this day of  
186 .

X. Y.  
Justice of the Peace.

*or*

T. V.  
Returning Officer.

*(as the case may be.)*

~~~~~


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e
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BILL.

An Act respecting Elections of Members of
the Legislative Assembly.

First reading, Nov. 10th, 1868.

Attorney General MACDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

2nd
3rd
No. 24.]

20
27
BILL.

[1868.

An Act to alter the Law of Dower and to regulate proceedings in actions for the recovery of Dower in Upper Canada.

HER Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. The twenty-eighth chapter of the Consolidated Statutes of Upper Canada, intituled: *An Act respecting the procedure in Actions of Dower*, and the Act passed in the twenty-fourth year of Her Majesty's Reign, intituled: *An Act for the better assignment of Dower in Upper Canada*, are repealed upon, from and after the day this Act shall come into force.

Con. Stat. U. C. c 28 and 24 V. c. 40 repealed.

2. All actions of right of dower or of dower *unde nihil habet* shall be brought and carried on according to the provisions of this Act.

Actions of ~~dower &c.~~, to be brought according to this Act.

3. Dower shall not be recoverable out of any separate and distinct lot, tract or parcel of land which at the time of the alienation by the husband or at the time of his death, if he died seized thereof, was in a state of nature, and unimproved by clearing, fencing or otherwise for the purposes of cultivation or occupation, but this shall not restrict or diminish the right to have woodland assigned to the demandant under the thirty-first section of this Act, from which it shall be lawful for her to take firewood necessary for her own use, and timber for fencing the other portions of land assigned to her of the same lot, tract or parcel.

Dower not to be recoverable out of land in state of nature when aliened or at death of husband but woodland may be assigned.

a certain Can.

4. Every action for dower shall be commenced by writ of summons and shall be addressed to the person in actual possession of the land, out of which Dower is claimed and to every other person who is tenant of the freehold of the same land, and in every such writ and in every copy thereof the place and County of the residence and abode of each party defendant shall be mentioned, and the land or property out of which dower is claimed shall be described by the number of the lot or otherwise, with reasonable certainty, and such writ shall be tested as in personal actions, and may be according to the form following :

How a Action to be commenced by summons to party in actual possession.

35 VICTORIA by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

Form of summons.

To of [naming each defendant and the place and county of the residence and abode of each defendant.]

We command you (*and each and every of you*) that you render to *who was the wife of* now deceased, her reasonable dower which falleth to her of the freehold which was of the said *her late husband, of and in* [*describe the land and property by the number of the lot, or the part of the lot, concession, name of the Township, City, Town or place, or with such other reasonable certainty as will shew out of what land and property dower is claimed*], and whereof she complains that you deforce her, or that you appear within sixteen days either to disclaim any right or estate of freehold in the said 10 land and property, or to defend yourself against her claim.

Witness, &c.

Date of writ, *when it is*
issuable and
when return-
able.

5. Every such writ shall bear date on the day on which it is issued, and shall be issued out of the proper office, in the County wherein the lands lie, and shall be in force for six 15 months and shall be returnable on the sixteenth day after service thereof, and shall be indorsed with the name and place of abode of the Attorney suing out the same or (if no Attorney) the name and residence of the demandant shall be indorsed thereon in like manner, as the indorsements on writs of summons 20 in personal actions; and the same proceedings may be had to ascertain whether the writ was issued by the authority of the Attorney, whose name appears indorsed thereon, and who the demandant is and her abode, and as to the staying proceedings upon writs issued without authority as in personal actions. 25

Notice to be indorsed to *defendants to appear and deny tenancy, or to appear only.*

6. On every such writ and on each copy thereof shall be indorsed a notice addressed to the defendants, which may be to the effect following:—You are served with this writ to the intent that you may enter an appearance and denial that you are tenant of the freehold of the lands mentioned in this writ, 30 or that you may enter only an appearance, and take notice that unless within sixteen days of the service hereof, you enter an appearance with or without such denial, the demandant will have a right to sign Judgment to recover as against you the dower claimed with costs of suit. 35

If demandant claims damages for detention, further statement necessary.

7. In case the demandant claims damages for detention of her dower, such notice shall contain a further statement that the demandant claims damages for the detention of her dower from some day to be stated in the notice.

Defendant may appear, and deny tenancy and effect of such denial.

8. Any defendant named in the writ may appear within the 40 time appointed and with the appearance, may file a notice addressed to the demandant setting out that he denies that he is tenant of the freehold of the lands mentioned in the writ, which denial shall as against that individual defendant be taken to admit the claim of the demandant to dower as stated 45 in the writ.

Effect of appearance without denial.

9. Any defendant named in the writ may appear within the time appointed, and by filing an appearance without such denial shall be taken to admit that he is tenant of the freehold and shall not afterwards be allowed to deny the same. 50

Tenant in possession, not also tenant of freehold, to

10. Every tenant in possession who is not also tenant of the freehold who is served with a writ under this Act, shall forthwith give notice thereof to his landlord or other person under

whom he entered into possession, under the penalty of forfeiting the value of three years' improved rent of the premises in the possession of such tenant, to the person under whom he entered into possession, to be recovered by action of debt to be brought
 5 in either of the Superior Courts of Common Law in Ontario.

11. The landlord or other person under whom such tenant as is mentioned in the next preceding section, holds or entered into possession, may, if he has not been served with the writ of dower, apply to the Court or a Judge upon affidavit, that he is
 10 tenant of the freehold, and is advised and believes that there is good ground for disputing the demandant's claim to dower, and the Court or Judge may, after summons to or rule upon the demandant, order that such applicant be substituted as defendant in the action, in lieu of the tenant in possession, upon such
 15 conditions as shall to the Court or Judge appear just.

12. If no person be in actual occupation of the lands of which the demandant claims dower, the writ shall nevertheless be served on the tenant of the freehold, who shall be named therein.

If no person in actual occupation, writ nevertheless to be served on tenant of freehold.

13. The writ of summons may be served in Ontario, and the service shall be personal whenever that is practicable, but the demandant may, on affidavit, apply from time to time, either to the Court out of which the writ issued or to a Judge of either Court in Chambers, and if it appear to such Court or
 20 Judge that reasonable efforts have been made to effect personal service, and either that the writ has come to the knowledge of defendant, or that he wilfully evaded service of the same, and has not appeared thereto, such Court or Judge may, by rule or order, grant leave to the demandant to proceed as if personal
 25 service had been effected, subject however to such conditions as to the Court or Judge seems fit.

Writ of summons to be served personally except in certain cases.

14. In all cases where the tenant of the freehold resides out of Ontario, the demandant may issue a writ of summons in the form above set forth by giving a sufficient number of days, not
 35 less in any case than twenty-one for the defendant to appear, according to the distance of the place of the defendant's residence; and having due regard to the means of and reasonable time for postal or other communication; which writ of summons shall bear the same endorsement and notice or notices as the writ of
 40 summons hereinbefore set forth making such changes as the nature of the case renders indispensable.

How writ of summons may be served where tenant resides out of Ontario.

15. Upon the Court or Judge being satisfied that such writ has been personally served upon the defendant, or that reasonable efforts have been made to effect personal service thereof
 45 on the defendant, so resident out of Ontario, and that it came to his knowledge, and that he has not appeared, such Court or Judge may from time to time, direct that the demandant may proceed in the action in like manner as if the defendant had been served under this Act in Ontario, subject to such con-
 50 ditions as to such Court or Judge may seem fit, having regard to the time allowed to the defendant to appear, being reasonable, and to the other circumstances of the case.

Where writ served or reasonable efforts to serve defendant resident out of Ontario have failed but writ has come to defendant's knowledge, Court may direct demandant to proceed.

16. Any defendant named in the writ may within the time appointed, file an appearance and acknowledgment that he is

Defendant may file ap-

pearance and
acknowledge
tenancy.

Judgment of
seizin and
writ of assign-
ment thereon.

tenant of the freehold of the land named in the writ, together with his consent, that the demandant may have judgment for her dower therein, and may take the proceedings authorized by this Act, to have the same assigned to her, unless the parties shall otherwise agree, and he shall forthwith serve the demand- 5
ant or her Attorney with a copy of such appearance, acknow-
ledgment and consent, together with an affidavit of the day of
the entering and filing the same in the proper office, and in
every such case when the defendant so admits the right to
recover, the demandant may enter judgment of seizin forthwith, 10
and may obtain a writ of assignment of dower in manner here-
inafter specified, but she shall not be entitled to tax or recover
the costs of suit or entering such judgment against the defend-
ant.

If appearance
and denial
filed, demand-
ant may take
issue and pro-
ceed to trial.

17. In case an appearance be entered with a denial by the 15
defendant that he is tenant of the freehold, the demandant may
at once and without further pleadings take issue on that denial
and make up an issue book, setting out the writ, the appear-
ance and denial and the issue thereon, and may give notice of
trial and proceed to trial as in personal actions, and if she 20
obtains a verdict she shall be entitled to costs and to enter
Judgment of seizin of her dower, as against such defendant.

If appearance
only entered
demandant
may declare.

18. In case only an appearance be entered, the demandant
may at once declare, and when damages are claimed in the
writ, they may also be claimed in the declaration which may 25
be to the effect following:

In the (the style of the Court)

County of }
to wit : }

The day of 18

Form of de-
claration.

A. B. widow, (*as the case may be*) who was the wife of C. B.
deceased, by her Attorney, demands against (*the defen-* 30
dant) the third part of (*the land and premises as described in*
the writ) with the appurtenances in the (*township, &c.*) of
in the said county of as the dower of the
said A. B. of the endowment of C. B. deceased, heretofore her
husband, whereof she has nothing (*and if damages are claim-* 35
ed) and she also claims damages for the detention from her of
her endowment in the said lands from the day of
18 and she claims \$

To what ex-
tent C. L. P.
Act shall
apply.

19. The several enactments, in the Common Law Procedure
Act relative to pleas, demurrers, replications and subsequent 40
pleadings, and the periods appointed within which the same
must be pleaded, and in which notice of trial must be given
and countermanded, and as to amending pleadings, and as to
practice not herein provided for, and making all or any other
amendments, and as to the authority of the Court or of a Judge 45
in such matters, and also the rules of Court, from time to time
in force relative to pleading and practice, shall so far as they
can be made applicable, and are not at variance with this Act,
be in force and apply to and regulate the course and practice
of pleading and procedure in actions of dower. 50

Special cases
may be stated.

20. Special cases may be stated by leave of the Court, or a
Judge in like manner as in other actions.

21. In estimating damages for the detention of dower or the yearly value of the lands, for the purpose of fixing a yearly sum of money in lieu of an assignment of dower by metes and bounds, the value of permanent improvements made after the alienation of the lands by the husband or after the death of the husband shall not be taken into account, but such damages or yearly value shall be estimated upon the state of the property at the time of such alienation or death, allowing for the general rise, if any, in the price and value of land in the particular locality.

Mode of estimates of damages of detention of dower, &c.

22. No action of dower shall be brought but within twenty years from the death of the husband of the demandant, nor until the expiration of one calendar month after the service of a written demand thereof on the tenant of the freehold unless such tenant be resident out of the province, in which case the Court or Judge may, upon affidavit made by, or on behalf of the demandant shewing sufficient reason, permit the demandant to commence the action without making such demand.

Action must be brought within twenty years of death of husband, and after one month notice of demand.

23. No such action shall be hereafter maintained in case the demandant has joined in a deed to convey the land or to release her dower therein to a purchaser for value although the acknowledgement required by law at the time may not have been made or taken, or though any informality may have occurred or happened in the making, taking or certifying such acknowledgment.

Action not to be maintained in case demandant has joined in deed.

24. All actions of dower which shall be pending at the time this Act shall come into force, may be continued and carried on to judgment in like manner as if this Act had not been passed.

Pending action may be continued as if this Act not passed.

25. Unless where it is in this Act expressly declared to the contrary, costs shall be taxed and allowed to, and be recoverable by either party in an action of dower in like manner as in personal actions, and writs of execution to levy the same, with damages where damages have been adjudged may be sued out and executed as in personal actions.

When costs recoverable.

26. After judgment has been rendered in the demandant's favour to recover dower, whether with or without costs or damages she shall be entitled to sue out a writ of assignment of dower founded upon such judgment directed to the sheriff of the County in which the lands lie, in which writ shall be set forth the lands out of which the demandant has recovered judgment to recover her dower.

After judgment for demandant, she may sue out writ of assignment of dower.

27. The sheriff on receipt of such writ shall by writing under his seal of office, appoint two resident freeholders of his County who are rated on the assessment roll for real estate of a value not less than two thousand dollars each, and a licensed deputy provincial surveyor, and each of whom would in other respects be eligible to serve as a juror between the parties named in the said writ, to be Commissioners to admeasure the dower, and the sheriff shall in such writing set out a copy of the writ of assignment, and shall name therein a day on or before which the Commissioners shall make and return to him a report of their proceedings, and determination in the execution of the duty assigned to them.

Sheriff thereupon to appoint certain parties to be Commissioners to admeasure the dower, &c.

In case of death or refusal of any of Commissioners, Sheriff may appoint others.
Oath of Commissioners.

28. In case of the death of, or refusal by any or all of the Commissioners so appointed, the sheriff shall, from time to time, in like manner, appoint another or others to perform the duty of such as die or refuse.

29. Every Commissioner so appointed shall, before entering upon the execution of his duty, take and subscribe an affidavit in the form or to the effect following, which oath any person duly authorized and appointed to take affidavits in the Superior Courts of Common Law, is hereby empowered to administer, and the said commissioners shall annex to their report the affidavits sworn by them, and return them to the sheriff.

Form of oath.

"I, *John Smith*, do swear that I am not of kin to the demandant (*naming her*) nor to the defendants (*naming him or them*) nor in any way interested in the lands out of which the assignment of dower is to be made by me, and that I will honestly, impartially, and to the best of my skill and ability execute and perform the duties imposed upon me by the appointment of *the Hon. John Doe*, Esquire, Sheriff of the county of *York*, as a Commissioner for the admeasurement of dower between the said demandant and the said defendants according to law."

Commissioners, when sworn to be officers of the Court.

30. After taking and subscribing such affidavit, the Commissioners and each of them shall, for all purposes in the fulfilment of the duties by law required of them, be considered as officers of the Court out of which the writ of assignment is issued and shall be entitled to the same immunities and protection and be subject to the same liabilities and proceeding as a sheriff, in the discharge of his duty.

Their duties.

31. It shall be the duty of the Commissioners—

To admeasure dower by bounds &c.

1. To admeasure, designate and lay off without delay, by sufficient marks, descriptions, boundaries or monuments, one-third of the lands and premises mentioned in the writ of assignment according to the nature of the land whether meadow, arable, pasture or woodland, being a part of the lot or parcel of land and premises mentioned in the writ, and having always due regard to the nature and character of the buildings and erections on such lands and premises.

To ascertain improvements, &c.

2. To ascertain and determine what permanent improvements have been made upon such lands and premises, since the death of the demandant's husband or since the time her said husband alienated the same to a purchaser for value, and if it can be done they shall award the dower out of such part of the lands, as do not embrace or contain such permanent improvements, but if that cannot be done they shall deduct either in quantity or value from the portion to be by them allotted or assigned to the demandant in proportion to the benefit she may or will derive from the assignment to her as part of her dower of any part of such permanent improvements;

Where Commissioners cannot assign by metes, &c., they shall assess a yearly sum of money.

3. If, from peculiar circumstances, such as there being a mill or mills, or manufactory, upon the land, the Commissioners cannot make a fair and just assignment of dower by metes and bounds, they shall assess a yearly sum of money being as near

as may be one-third of the clear yearly rents of the premises, after deducting any rates or assessments payable thereon, and in assessing such yearly sum they shall make allowances and deductions for permanent improvements as above provided for, 5 and in their report to the sheriff, they shall state the amount of such yearly sum and set forth all the evidence taken by them in relation to the same, such evidence to be reduced to writing and taken upon oath [which any one of the Commissioners is hereby authorized to administer] and to be subscribed by the 10 witness examined;

Evidence to be on oath.

4. Such yearly sum shall be a lien upon the lands mentioned in the writ of assignment unless the Commissioners specially direct otherwise and make the same issuable and payable out of some specific portion of such lands, and the same shall be re- 15 coverable by distress as for rent or by action of debt against the tenant of the freehold for the time being;

Such sum to be a lien in lands, unless otherwise directed.

5. The report of the Commissioners shall be in writing, sub- 20 scribed by them and directed to the sheriff and shall contain a full statement of their proceedings, and where the dower is assigned by metes and bounds shall distinctly point out and describe the same and the posts, stones or other monuments designating the boundaries and for the purpose of planting and marking such posts, stones or monuments, they may, if necessary, employ chain-bearers and labourers.

Report of Commissioners.

25 32. The sheriff may in his discretion upon the request of the Commissioners, enlarge the time for making their report, for not more than ten days, and he shall, within twenty-four hours after the receipt thereof endorse thereon the day and hour of such receipt, and he shall then forthwith return the writ of admeas- 30 urement of dower together with the report and all papers annexed thereto to the office wherein the suit was commenced and carried on, and the deputy clerk of the Crown, into whose office such writ and other papers have been returned shall, on the application of either party, transmit the same to the proper 35 principal office in Toronto, in like manner, and on the same conditions as he is required to transmit any record of *Nisi Prius* and subject to the same liabilities, in case of his default.

Sheriff may enlarge time for report.

Report to be returned to Deputy Clerk Crown.

33. Either party may, after the expiration of ten days from the filing of the Sheriff's return to the writ of assignment, pro- 40 vided such ten days have elapsed before the first day of the term next after such filing—and if not, then within the first four days of the succeeding term—apply for and the Court may grant a rule calling upon the opposite party to shew cause why the Commissioners' report should not be set aside upon grounds 45 apparent on the report and papers filed therewith and upon such other grounds, as the Court may see fit, the same being supported by affidavit and every such ground being set forth in the rule—and the Court after hearing the parties may order the report to be varied or amended, if in their judgment they 50 have sufficient matter before them to amend by—or may annul and set aside the report and may appoint three new Commis- sioners or direct that the Sheriff shall do so, and such new Com- missioners shall have the same powers and execute the same duties and be subject to the same conditions and responsibilities 55 as are in that behalf hereinbefore expressed, and the report of

Either party may apply for rule to shew cause why report should not be set aside on grounds.

Court may order thereon.

such new Commissioners shall be treated as if no other report had been previously made and shall be dealt with and proceeded upon accordingly.

If moved against for misconduct or fraud, Commissioners may be made parties to rule.

34. If the report is moved against upon the ground of any misconduct or fraud on the part of the Commissioners, the Court may, in its discretion, make them parties to the rule, and if wilful misconduct or fraud be established in the opinion of the Court, the report may be set aside and the Commissioners be adjudged to pay to the parties injured all the costs which have been incurred and have been rendered useless by such misconduct or fraud, and all the costs of the rule to set aside the report, and such payment may be enforced by the like process and proceedings as are, or may be, in use to compel a Sheriff to pay costs of any rule or summary proceeding against him. 15

As to costs of rule.

35. The rule to set aside the report may be discharged, with or without costs, and the Court may order the party at whose instance, or on whose complaint or representation the Commissioners may have been made parties to the rule, to pay such Commissioners their costs of answering the same, and if the rule be discharged, or if the report be not moved against within the proper time, or if the Court refuse to grant a rule to shew cause, the report shall thenceforth be final and conclusive on all parties to the dower action, and a copy of such report certified by the Clerk of the Crown, under the seal of the Court, shall be registered in the Registry office of the County or place where the lands lie, for which service the Registrar shall be entitled to receive one dollar. 25

When Report final, copy to be registered in County Registry.

After registration demandant may sue out writ of possession.

36. After such registration the demandant shall be entitled to sue out a writ directed to the proper Sheriff, commanding him to put her into possession of the lands and premises assigned and admeasured to her for her dower, and to levy all such costs as by the Judgment and any rule of Court, or either, shall have been awarded to her against the tenant. 30

If Judgment against demandant and costs awarded defendant may issue *fi. fa.*

37. In case judgment shall have been given against the demandant and costs be awarded to be paid by her to the defendant by such Judgment, or by any rule of Court, such defendant may issue a writ of *fi. facias* to recover the same. 35

Mode of procuring attendance of witnesses before Commissioners.

38. In case it is desired by either party to produce any witnesses before the Commissioners, such party may, on application to the Court out of which the writ of assignment issued, or to any Judge of either of the Superior Courts of Common Law, on affidavit that the evidence of any such witness is necessary, obtain an order commanding the attendance of any such witness before the said Commissioners, and if in addition to the service of such order, an appointment of time and place of attendance in obedience thereto, signed by one of the Commissioners, be served on the person whose evidence is required either with or after the service of the order, non-attendance shall be deemed a contempt of Court, and shall be punishable accordingly, but the person required to attend, shall be entitled to be paid the same fees, allowance and conduct money as if he had been subpoenaed as a witness in an ordinary suit, and no witness shall be obliged to attend more than two consecutive days. 50 55

39. The Commissioners shall be entitled to receive from the demandant the sum of four dollars for each day's attendance, not however to exceed (two), and may also charge at the rate of twenty cents for every hundred words for drawing up their report, and ten cents for every hundred words of each copy furnished by them to either party.

Remuneration of Commissioners, &c.

40. The demandant shall pay the cost of suing out and the cost of the Commissioners in executing the writ of assignment of dower, and making the report thereof, but each party shall pay their own costs of witnesses, or of attorney, or counsel, attending before the said Commissioners.

By whom costs to be paid.

41. The demandant and the tenant of the freehold may, by any instrument under their respective hands and seals, executed in the presence of two credible witnesses, agree upon the assignment of dower, or upon a yearly sum, or a gross sum to be paid in lieu and satisfaction of dower, and a duplicate of such instrument proved by the oath of one of the subscribing witnesses, which oath any Commissioner duly appointed for taking affidavit may administer, shall be registered in the Registry office of the county where the lands lie, and shall entitle the demandant to hold the land so assigned to her, against the assignor and all parties claiming through or under him, as tenant for her life, or to distrain for, or to sue for, and recover in any Court having jurisdiction to the amount, the annual or other sum agreed to be paid to her by such tenant of the freehold, and such instrument so registered shall be a lien upon the land for such yearly or other sum, and shall be a bar to any other action, suit or proceeding by the demandant for dower in the lands mentioned therein.

Demandant and tenant may by instruments agree upon assignment, or money or lieu, and duplicate may be registered and entitle demandant to hold lands, &c.

42. The several clauses of this Act, numbered from twenty-six to forty, both inclusive, shall not apply to or affect cases in which the right to dower became consummate by the death of the husband, before the Eighteenth day of May, which was in the year of our Lord one thousand eight hundred and sixty-one

Certain clauses not to apply when right to dower became consummate before 18th May, 1861.

43. In all cases not otherwise provided for by this Act the pleadings and proceedings shall be regulated by the law as it was in force in Upper Canada, relative to suits and actions of dower, before the Tenth day of August, which was in the year of our Lord one thousand eight hundred and fifty.

Mode of proceeding where not prescribed.

44. This Act may be cited as *The Dower Act of Ontario*, and shall take effect upon, and from and after the day of next.

Short title.

No 24.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to alter the Law of Dower and
to regulate proceedings in actions for the
recovery of Dower.

First reading, Nov. 10, 1868.

Attorney General MACDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

Received by the Hon. Secy. of the Prov. of Ontario
Discharged 1/15

No. 25]

BILL.

[1868.

An Act to disqualify certain persons from serving as Members of the Legislative Assembly of Ontario.

WHEREAS it is necessary and expedient to make provision by law, to disqualify certain persons from being elected and serving as Members of the Legislative Assembly of Ontario; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. On and after the passing of this Act,, no Member of the Senate, or of the House of Commons of Canada, shall be eligible to be elected, or capable to sit or vote as a Member of the Legislative Assembly of Ontario.

Preamble.
After the passing of this Act, no Member of the Senate or the House of Commons shall be eligible.

2. If any person or persons declared ineligible under this Act, are nevertheless elected and returned as a Member of the said Legislative Assembly, his said election and return shall be null and void, and his seat shall become vacant, and a new writ shall forthwith issue for the election and return of a Member in his place.

The election of disqualified persons null and void, and new writ to issue forthwith.

3. If any person who is under this Act disqualified, or declared ineligible to be elected, or to sit or vote as a Member of the Legislative Assembly of Ontario, who allows himself to be so elected, and to sit and vote in such Legislative Assembly as a Member thereof, shall forfeit, to Her Majesty, the sum of two hundred dollars of lawful money, for every day he so sits, acts and votes as such Member thereof; the said penalty may be recovered by a civil action in any Court of competent jurisdiction in Ontario, with costs of suit.

Any person ineligible not allowed to sit or vote as a Member thereof, under a penalty of \$200 for each day.

No. 25.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to disqualify certain Persons from
serving as Members of the Legislative
Assembly of Ontario.

First reading Nov. 11, 1868.

Mr. S. McCall.

TORONTO.

PRINTED BY HUNTER, ROSE & Co.

12
7nd
3rd
No. 26]

17 December
BILL.

[1868.
+ referred, cited

An Act to amend the Act passed in the 27th and 28th Victoria, chapter 28, intituled "An Act respecting the office of Sheriff, and to make further provision respecting the said office."

HER Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

1. That all accounts, moneys, books, papers, writt warrants and processes of whatever kind, and all other matters and 5 things in the possession or under the control of the Sheriff, by virtue of or appertaining to his office, shall, upon his resignation, removal or death, immediately thereafter become the property of the Registrar whose office is located in the county town of the county in which the Sheriff's office is situate, or 10 the property of such other party as shall be appointed and authorized by the Government of this Province to receive the same, who shall hold the same for the benefit of the public until the appointment of another Sheriff, to whom such Registrar or party appointed by the Government shall deliver over 15 the same, but not until such Sheriff and his sureties shall have assented, and filed the bond in the said hereinbefore recited Act mentioned.

2. That any person or persons wrongfully holding or getting possession of any such accounts, moneys, books, papers, writs, 20 warrants, processes or matters aforesaid, shall be guilty of a misdemeanor, and, upon the declaration in writing of the Judge of the County Court or Registrar, or the person appointed by the Government in which the Sheriff's office is situate, that a person or persons has or have obtained or held 25 such wrongful possession thereof, and upon the order of a Judge of either of Her Majesty's Courts of law founded therein, such person or persons shall be arrested by the Sheriff or high constable of any county in which he is found, and shall, by such Sheriff or high constable, be committed to the common gaol of 30 his county, there to remain, without bail, until one of such superior Courts, or a Judge thereof, be satisfied that such person or persons has or have not and never had nor held any such matters, or that he or they has or have fully accounted for or delivered up the same to such Registrar or person 35 appointed by the Government to receive the same, or until he or they be or are otherwise discharged by due course of law.

3. That, upon the passing of this Act, any person who has heretofore at any time held the office of Sheriff of any county in Upper Canada, now the Province of Ontario, if alive, and 40 the heirs, executors and administrators of every such person, if dead, shall forthwith deliver over to the new Sheriff of such

county all books, papers, writs, warrants, processes, and all other matters and things whatsoever in his or their possession, custody or power, and which such person or such Sheriff, by virtue of his office, kept, received, or became possessed of.

4. That if any deputy Sheriff, bailiff or sheriff's-officer, shall 5
have in his possession, custody or control, any writ of summons, *feri facias*, or other writ, or any Bench warrant or process whatsoever, and shall, upon demand made by the Sheriff from whom the same may have been received, or by any other party entitled to the possession of the same, or his successor in office, 10
neglect or refuse to deliver up the same, such Sheriff, or the party entitled to the possession of the same, may proceed by summons and order before any Judge having jurisdiction in the Court out of which such writ or process issued, to compel the production thereof, which order may be enforced in the 15
same manner as like orders for return of writs against Sheriffs, and with or without costs, or be discharged with costs against the party applying, in the decision of the Judge.

5. That any Sheriff, after resigning office, or removal, or his 20
heirs, executors, or administrators, shall or may, at any and at all time or times thereafter, have the right and be at liberty to have access to search and examine into any or all accounts, books, papers, writs, warrants and processes of whatever kind, and all other matters and things which were formerly in the possession of him, the said Sheriff, before his resignation, and 25
which at the time of making or requiring to make such search or examination, are in the possession or control of the Sheriff, free of all costs, charges and expenses.

No. 26.

2nd Session, 1st Parliament, 32 Victoria, 18

BILL.

An Act to amend the Act passed in the 27
and 28th Victoria, Chapter 28, entitled
"An Act respecting the office of Sheriff
and to make further provisions respecting
the said office."

First reading, Nov. 11, 1868.

Mr. EYRE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1st Reading 12 November 1868
2nd " 7 Dec
3rd " 14 " "

No. 27.]

BILL.

[1868.

An Act to authorize and empower the Corporation
of the City of Kingston to sell and convey cer-
tain of their Lands.

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Assembly of Ontario, enacts as follows :

1. The Corporation of the City of Kingston is hereby autho-
rized and empowered to make sale of, and grant the following
5 lands now vested in said Corporation, namely—That part of the
Market Square, in the said City, being part of the south side of
said Square, which had been laid out into building lots, leased
by the said Corporation to certain persons, and now built upon
and occupied, and lying between the property of John Breden,
10 Esquire, on its south-east limit, and King Street on its north-
west limit, and having the present Market Square on its north-
east limit, and Clarence Street on its south-west limit; also
Lots Numbers 423, 424, 429, and 430, lying between Ordnance
and Bay Streets, in the said City, reserved as market lots in the
15 original survey.
2. Also, the said Corporation is hereby authorized and em-
powered to execute under their Corporate Seal, and deliver
good and valid conveyances of the said lands, and every part
thereof, in fee simple, to the purchaser or purchasers thereof,
20 from whom the said Corporation may take mortgages on the
property sold, to secure the purchase moneys, or any part
thereof remaining unpaid, and it shall not be necessary for the
purchaser or purchasers to see to the application of the pur-
chase moneys.
3. Nothing in this Act contained shall affect any rights
25 which any persons may have, in respect of any buildings or
improvements on said lands, or to any interest or unexpired
term in the same, or any part thereof.
- The Corpora-
tion may sell
and grant
lands speci-
fied.
- To execute
conveyances
under Corpor-
ate Seal, and
take mort-
gage.
- Purchaser not
to see to
application of
purchase
money.
- Not to affect
interests of
other parties.

BILL.

An Act to authorize and empower the Corporation of the City of Kingston to sell and convey certain lands.

First-reading, Nov. 12, 1868.

MR. STRANGE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

1- Received 12- November 1868
Discharged 7 January 1869

No. 28.]

BILL.

[1868.]

An Act to compel the owners of Abandoned Oil Wells to keep them plugged or cased.

HER Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. From and after the passing of this Act, all wells sunk in the Province of Ontario, for the purpose of producing petroleum, shall be cased or plugged in such manner as to exclude surface-water in the over-lying rocks above the oil producing rock from passing into said wells. Oil wells to be plugged or cased.
2. That those wells put down to a greater depth than that at which oil is usually found, shall be seed-bagged or plugged to prevent the water rising to a level with said oil runs. If deeper than oil runs to be seed-bagged below.
3. That all abandoned wells sunk to a sufficient depth to admit surface water, and temporarily suspended from and after the passing of this Act, shall be so plugged or cased, and in case the owner or owners of such abandoned or unfinished wells shall fail to comply with the terms of this Act, then such wells may be cased or plugged, or filled up by the owner or lessees of wells in that vicinity, at the cost of the owner or owners, or lessees of wells in their vicinity, or of such abandoned or unfinished wells, and that parties owning wells or leases, who shall knowingly or wilfully withdraw their tubing or plugs, shall be liable to a damage for the stoppage of other wells thereby, and to a fine of one hundred dollars, to be paid to the Provincial Revenue of this Province. Suspended wells to be plugged, &c., in case of owners neglect, may be plugged at their cost by adjoining owners.
4. That this Act shall not be so construed as to prevent the removal of tubing for the purpose of working or pumping wells, or for immediate repairs which require the withdrawal of said tubing or plugs temporarily. Not to apply to tubing removed for repair, &c.

No. 28.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act with respect to Abandoned Oil Wells in this Province.

First reading, Nov. 12, 1868.

Mr. WIGLE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

2nd
1 Dec
Discharged 23 January 1869

No. 29.]

BILL.

[1868.

An Act to provide for the more Satisfactory Disposal
of Chambers Applications in the Court of Chancery.

WHEREAS it is expedient to provide for the more satisfactory disposal of Chambers Applications in the Court of Chancery; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. The Judge's Secretary shall have the power to hear and dispose of all *ex parte* Chambers Applications, and of all other Chambers Applications on which only one party appears, or which the parties consent to take before him. Judge's Secretary to hear Chambers Application.
- 10 2. Every order of the Judge's Secretary, made under the preceding clause of this Act, shall have the same force, and shall be subject to the like appeal, as if made by a Judge in Chambers. His order to have the same effect as if by a Judge.
3. The Judges of the Court of Chancery, or any two of them of whom the Chancellor shall be one, may make such orders as they shall deem expedient, in order to effectuate the provisions of this Act, and may from time to time vary, add to, or repeal such orders. Judges to make orders for such proceedings.
4. This Act may be cited for all purposes as "The Chancery Chambers Act, 1868."

No. 29

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to provide for the more satisfactory disposal of Chambers Applications in the Court of Chancery.

First reading, Nov. 12, 1868.

MR. BLAKE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

2nd 11 4 referred to select com E 26 11
3rd 11 16 January 1869

No. 30.]

BILL.

[1868.

An Act to amend and consolidate the Acts relating to the Profession of Medicine and Surgery.

WHEREAS it is expedient to consolidate the Acts in force Preamble.
respecting the Medical Profession, and to make more
effectual provision for regulating the qualifications of Practi-
tioners of Medicine, Surgery and Midwifery, in the Province of
5 Ontario: Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of Ontario, enacts as fol-
lows:

1. The Act of the Parliament of the late Province of Canada, 29 V., c. 32,
twenty-ninth Victoria, chapter thirty-two, is hereby repealed, repealed, sav-
10 and the provisions of this Act shall stand in the place of the ing proceed-
provisions of the said Act, but all proceedings heretofore taken, ings already
and all matters and things done under the said Act, shall be taken.
valid and effectual notwithstanding such repeal, and may be
carried on and completed under this Act as effectually as they
15 could have been under the said Act.

2. The Council established, and the Members thereof elected Council pre-
under the provisions of the Act repealed, shall be continued, viously elect-
and shall act during the remainder of the period for which they ed, and by-
have to serve, but subject in all other respects to the provisions laws, etc., to
20 of this Act, and all by-laws, rules and regulations heretofore continue, &c.
made by the said Council, shall remain in force until repealed
or modified under the provisions of this Act.

3. The officers appointed under the provisions of the re- Officers for-
pealed Act, shall retain their respective offices, and perform their merly ap-
25 respective duties under the provisions of this Act, and all books pointed to
and registers heretofore kept by them in conformity with the continue, &c.
Act hereby repealed, shall be continued in use for their respec-
tive purposes under this Act.

4. The repeal of the said Act of the late Province of Canada, Repealed
30 the twenty-ninth Victoria, chapter thirty-two, shall not have Acts not
the effect of reviving the Acts repealed by it, nor of modifying revived.
or restricting in any way whatsoever, the saving effect of the
thirty-sixth section thereof.

5. This Act may be cited as "The Ontario Medical Act."

35 THE GENERAL COUNCIL.

6. There shall be a Council, to be styled "The General General
Council of Medical Education and Registration for the Province Council.
of Ontario," hereinafter referred to as "The Council."

7. The Council shall be composed as follows:—

How com-
posed.

1. The Colleges and Bodies hereinafter designated, to wit:—

and every other College or Body in the Province now by law authorized, or which may be hereafter authorized to establish a Medical Faculty in connection therewith, and to grant degrees in Medicine and Surgery, or other Certificates of qualification to practise the same, shall each appoint, in such manner as may be provided by By-law of such College or body, one person to be a Member of such Council, and the next preceding section mentioned must be duly registered under this Act. 5 10

2. Twelve Members shall be appointed in the manner hereinafter provided from amongst the registered Members of the Profession resident in the Province.

Members to
be registered
practitioners.

8. Members of the Council representing the Colleges or Bodies in the seventh section mentioned, shall be practitioners duly registered under this Act. 15

One from
each territo-
rial division,
&c.

9. Of the twelve Members to be chosen from amongst the registered Practitioners of Medicine in the Province of Ontario, one shall be elected for each of the territorial divisions mentioned in Schedule to this Act annexed, by the registered practitioners resident in such division, and the manner of holding such election shall, with respect to the time thereof, and the taking of the votes therefor, be determined by a by-law to be passed at the next meeting of the General Council, and in default of such by-law, or for the purpose of any election before the meeting of the Council, by the Lieutenant-Governor. 20 25

Members
elected for 3
years—death
or resigna-
tion.

10. The Members of the Council shall be chosen for a period of three years; but any Member may resign his appointment at any time by letter addressed to the President of the Council; and upon the death or resignation of any Member of the Council, some other person shall be constituted a Member of said Council in his place, in manner hereinbefore provided, but it shall be lawful for the Council during such vacancy to exercise the power hereinafter mentioned. 30

First meeting,
where, &c.

Subsequent
meetings.

Summoning
future meet-
ings.

Proviso as
to notice.

11. The Council shall hold its first meeting under this Act, in such place and at such time as the President of the Council for the time being shall appoint thereof, and shall make such rules and regulations as to the times and places of subsequent meetings of the Council, and the mode of summoning the same as to them shall seem expedient, which rules and regulations shall remain in force till altered at any subsequent meeting; and in the absence of any rule or regulation as to the summoning of future meetings of the Council, it shall be lawful for the President thereof to summon the same, at such time and place as to him shall seem fit, by circular letter to be mailed to each Member; provided always that at least two weeks' notice of such meeting be given; in the event of the absence of the President from any meeting, the Vice-President, or in his absence, some other Member to be chosen from among the Members pre- 35 40 45

sent, shall act as President; all the acts of the Council shall be decided by the majority of the Members present, the whole number not being less than nine; at all meetings, the President, for the time being, shall have a casting vote only.

5 **12.** There shall be paid to the Members of the Council such fees for attendance, and such reasonable travelling expenses, as shall from time to time be allowed by the Council. Expenses of members to be regulated.

13. The Council shall appoint a President, a Vice-President, a Committee of Examination, a Registrar and Treasurer, and such other officers as may be necessary to the working of this Act. President, etc., to be appointed.

14. All moneys, forming part of the Council funds, shall be paid to the Treasurer, and shall be applied to carry this Act into execution. Funds to be paid to Treasurer.

15 OF MEDICAL REGISTRATION.

15. The Council shall cause to be kept by an officer appointed by them, and to be called the Registrar, a Book or Register in which shall be entered, from time to time, the names of all persons who have complied with the enactments hereinafter contained, and with the rules and regulations made or to be made by the Council respecting the qualifications to be required from practitioners of Medicine, Surgery and Midwifery in this Province, and those persons only whose names have been, or shall hereafter be inscribed on the book or register above-mentioned, shall be deemed to be qualified and licensed to practise Medicine, Surgery or Midwifery in the Province of Ontario. Register book to be kept contain names of all persons complying with Act. No others qualified to practice.

16. It shall be the duty of the Registrar to keep his register correct, in accordance with the provisions of this Act, and the rules, orders and regulations of the Council, and to erase the names of all registered persons who shall have died, and he shall, from time to time, make the necessary alterations in the addresses or qualifications of the persons registered under this Act; and to enable him duly to fulfil the duties imposed on him, it shall be lawful for him to write a letter to any registered person, addressed according to the address of such person on the register, to enquire whether he has ceased to practise or has changed his residence, and if no answer shall be returned to such letter within the period of six months from the sending of such letter, it shall be lawful for the Registrar to erase the name of such person from the Register; Provided always, that the same shall be restored by direction of the Council, upon cause duly shewn to that effect. Duty of Registrars.

17. Every person resident in the Province of Ontario, and now possessed, or who may within the period of six months from the passing of this Act, become possessed of any one or more of the qualifications described in the Schedule (A) to this Act, shall, without any other formality, on the payment of a fee, not exceeding ten dollars, be entitled to be registered, on producing to the Registrar the document conferring or evidencing the qualification, or each of the qualifications in respect whereof he seeks to be so registered, or upon transmitting by Persons possessing one or more of the qualifications in Schedule A to be registered on payment of \$10.

post to the Registrar, information of his name and address, and evidence of the qualification or qualifications in respect whereof he seeks to be registered, and of the time or times at which the same was or were respectively obtained, and any person entitled to be enregistered before the first day of July, 1865, 5
Persons qualified before 1st July, 1865, to pay \$5. may, on complying with the requirements in this section mentioned, obtain such registration on payment of a fee of five dollars.

Person not qualified until six months after passing of this Act, to be examined before committee, etc. 18. Every person desirous of being registered under the fifteenth section of this Act, and who shall not have become possessed of any one of the qualifications in the said Schedule A mentioned before the expiration of the period of six months after the passing of this Act shall, before being entitled to registration, present himself for examination as to his knowledge and skill for the efficient practice of his profession, before the Committee of Examination in the next section mentioned, 15 and upon passing the examination required, and proving to the satisfaction of the Committee of Examination that he possesses one or more of the qualifications enumerated in Schedule A, and that he has otherwise complied with the rules and regulations made by the General Council, and on the payment of such 20 fees as the Council may determine, such person shall be entitled to be registered, and in virtue of such registration, to practice Medicine, Surgery and Midwifery in the Province of Ontario.

Council to appoint a committee to examine candidates. 19. At the first regular meeting of the General Council, after the passing of this Act, and at the Annual Meeting in 25 each year thereafter, there shall be elected by the members thereof either from among themselves or from among the other duly qualified medical practitioners resident in the Province, a Committee composed of not less than seven, nor more than twelve members, whose duty it shall be to examine all candi- 30 dates for registration under the next preceding section.

Council to make orders, etc., regulating registers, fees, Examining Committee, etc. 20. The Council shall, from time to time, as occasion may require, make orders, regulations or by-laws for regulating the registers to be kept under this Act, and the fees to be paid for registration; and shall, from time to time, make rules and 35 regulations for the guidance of the Committee of Examination, and may prescribe the subjects and mode of the examinations, the times and places of holding the same, and generally may make all such rules and regulations in respect of such examinations, not contrary to the provisions of this Act as they may 40 deem expedient and necessary.

Persons not registered, not entitled to privileges, etc. 21. Any person entitled to be registered under this Act, but who shall neglect or omit to be so registered, shall not be entitled to any of the rights or privileges conferred by the provisions of this Act so long as such neglect or omission con- 45 tinues.

Wilful falsification by Registrar. 22. If the Registrar make or cause to be made any wilful falsification in any matter relating to the register, he shall incur a penalty of dollars.

OF MEDICAL EDUCATION.

50

Persons after 23. Every person registered under this Act, who may have

obtained any higher degree or any qualification, other than the qualification in respect of which he may have been registered, shall be entitled to have such higher degree or additional qualification inserted in the register in substitution for or in addition to the qualification previously registered, on the payment of such fee as the Council may appoint.

being registered obtaining higher qualification.

24. No qualification shall be entered on the register either on the first registration or by way of addition to a registered name unless the Registrar be satisfied by the proper evidence that the person claiming is entitled to it; and any appeal from the decision of the Registrar may be decided by the Council, and any entry which shall be proved to the satisfaction of the Council to have been fraudulently or incorrectly made, may be erased from the register by order in writing of the Council.

No qualification to be registered unless Registrar satisfied, party entitled—appeal.

25. Every person who shall be registered under the provisions of this Act, shall be entitled, according to his qualification or qualifications, to practice Medicine, Surgery and Midwifery, or either or any of them, as the case may be, in the Province of Ontario, and to demand and recover in any Court of Law, with full costs of suit, reasonable charges for professional aid, advice and visits, and the cost of any medicine or other medical or surgical appliances rendered or supplied by him to his patients.

Every one registered may practice, and recover his fees, etc.

26. The Registrar of the Council shall, from time to time under the direction of the Council, cause to be printed and published, a correct register of the names in alphabetical order according to the surnames, with the respective residences, in the form set forth in Schedule B to this Act or to the like effect, and the medical titles, diplomas and qualifications conferred by any college or body with the dates thereof, of all persons appearing on the register as existing on the day of publication, and such register shall be called "*The Ontario Medical Register*," and a copy of such register for the time being, purporting to be so printed and published as aforesaid, shall be *prima facie* evidence in all Courts and before all Justices of the Peace and others that the persons therein specified are registered according to the provisions of this Act, and the absence of the name of any person from such copy shall be *prima facie* evidence, that such person is not registered according to the provisions of this Act; Provided always that in the case of any person whose name does not appear in such copy, a certified copy under the hand of the Registrar of the Council, of the entry of the name of such person on the register, shall be evidence that such person is registered under the provisions of this Act.

Registrar to cause correct register to be published of names, etc., of persons registered with particulars, etc., which shall be *prima facie* evidence, etc.

27. The Council shall have power and authority to establish a uniform standard of Matriculation or preliminary examination for the admission of all students, to appoint examiners for that purpose, and to make by-laws and regulations for determining the admission and enrolling of students.

Council may establish uniform standard of Matriculation, etc., for all students,

28. The Council shall have power and authority to fix and determine from time to time a curriculum of studies to be pursued by students, and such curriculum of studies shall be observed and taught by all colleges or bodies referred to in section seven of this Act; Provided always that such curriculum

and fix curriculum of studies in all colleges referred to in 7th sec.

lum of studies shall first receive the approval of the Lieutenant-Governor in Council, and be published once in the *Official Gazette*.

PENAL AND GENERAL CLAUSES.

- Registered practitioner convicted of felony.** **29.** Any registered medical practitioner, who shall have 5 been convicted of any felony in any court, shall thereby forfeit his right to registration, and by the direction of the Council, his name shall be erased from the register.
- No one to recover his charges, unless he proves his registration.** **30.** No person shall be entitled to recover any charge in any court of law for any medical or surgical advice, or for attend- 10 ance, or for the performance of any operation, or for any medicine which he shall have both prescribed and supplied, unless he shall prove upon the trial that he is registered under this Act.
- Interpretation of certain words.** **31.** The words "legally qualified medical practitioner," or 15 "duly qualified medical practitioner," or any other words, importing legal recognition of any person as a medical practitioner or member of the medical profession, when used in any Act or law shall, in so far as such Act or law applies to the Province, be construed to mean a person registered under this Act. 20
- No one to be appointed in any hospital unless, etc.** **32.** No person shall be appointed as medical officer, physician or surgeon in any branch of the public service of the Province of Ontario, or in any hospital or other charitable institution, not supported wholly by voluntary contributions, unless he be registered under the provisions of this Act. 25
- Nor grant certificates.** **33.** No certificate required by any Act now in force, or that may hereafter be passed, from any physician or surgeon or medical practitioner shall be valid, unless the person signing the same be registered under this Act.
- Persons wrongfully etc., procuring himself to be registered.** **34.** If any person shall wilfully procure, or attempt to pro- 30 cure himself to be registered under this Act by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, every such person so offending, and every person knowingly aiding and assisting him therein, shall incur a penalty of 35 dollars.
- Or pretending to any title, etc., implying his registration, etc.** **35.** Any person who shall wilfully and falsely pretend to be, or take or use any name, title, addition or description, implying that he is registered under this Act, shall incur a penalty not exceeding one hundred dollars; and every such penalty shall 40 form part of the funds of the Council, and shall be paid over to the Treasurer for the uses and purposes thereof; and in case any such irregular practitioner shall be guilty of malpractice, he shall, in addition to the criminal prosecution, be liable to civil proceedings on the part of the person injured or his repre- 45 sentatives, and damages may be recovered from him for such malpractice.
- Members of council to notify death.** **36.** It shall be the duty of the member of the council representing each territorial division to notify the Registrar of the Council of the death of any registered medical practitioner 50 occurring within his division, so soon as he shall become aware

of the same, and upon the receipt of such notification, the Registrar shall erase the name of the person so deceased from the register.

- 37.** Nothing in this Act contained shall be held to repeal, amend, or at all affect, in whole or part, the Act chapter seventy-six of the Consolidated Statutes of Canada, or the Act chapter forty-one of the Consolidated Statutes for Upper Canada, or the Act passed in the twenty-fourth year of Her Majesty's Reign, chapter one hundred and ten, or the Act passed at the session held in the twenty-eighth year of Her Majesty's Reign, chapter fifty-nine, or any Act of this session amending the same, or to oblige or allow any person licensed, or to be licensed, under the said Act, chapter forty-one of the Consolidated Statutes for Upper Canada, or under the said Act, passed in the twenty-fourth year of Her Majesty's Reign, chapter one hundred and ten, or under the said Act, passed at the session held in the twenty-eighth year of Her Majesty's Reign, chapter fifty-nine, or such Act amending the same, to be registered under this Act; or otherwise to abridge, alter or affect any right, franchise, power or duty of any board, officer, licensed medical practitioner, or other person whatever, as existing, or to exist, under, or from operation of, the said last-mentioned Acts, or any thereof.

Not to repeal or affect certain Acts, etc.

- 38.** All penalties imposed by this Act shall be recoverable and full costs of suit, by any person who will sue for the same by action of debt, or information in any court of competent jurisdiction in this Province, and in default of payment of the amount within the period to be fixed by such Court, the offender shall be imprisoned, in the Common Gaol of the place, until he has paid the amount he has been condemned to pay and the costs.

How penalties recovered.

Imprisonment for non-payment.

39. This Act shall be deemed a Public Act.

SCHEDULE A.

1. License to practice physic, surgery and midwifery, or either, within Upper Canada, granted under the Acts of Upper Canada, fifty-ninth George Third, chapter thirteen, and eighth George Fourth, chapter three, respectively.

2. License or diploma granted under the second Victoria, chapter thirty-eight, or under the fortieth chapter of the Consolidated Statutes for Upper Canada, or any Act amending the same.

3. License or authorization to practise physic, surgery and midwifery, or either, within Lower Canada, whether granted under the Ordinance twenty-eighth George Third, chapter eight, or under the Act tenth and eleventh Victoria, chapter twenty-six, and the Acts amending the same, or under chapter seventy-one of the Consolidated Statutes for Lower Canada, or any Act amending the same.

4. Certificate of qualification to practise medicine, surgery and midwifery, or either, hereafter to be granted by any of the colleges or bodies named or referred to in section four of this Act.

5. Medical or surgical degree or diploma of any university or college in Her Majesty's dominions, or of such other universities or colleges as the Council may determine.

6. Certificate of registration under the Imperial Act, twenty-first, and twenty-second Victoria, chapter ninety, known as "The Medical Act," or any Act amending the same.

7. Commission or warrant as Physician or Surgeon in Her Majesty's Naval or Military Services.

SCHEDULE B.

Name.	Residence.	Qualifications and Additions.
A. B...	Toronto, Co. of York....	A. M., M.D., Toronto University.
C. D....	Kingston, Co. of Frontenac.....	A.M., M.D., Queen's University.
E. F....	Etobicoke, Co. of York.	Licentiate, Medical Board.
G. H...	Toronto	do Toronto School of Medicine.

SCHEDULE C.

1. Western and St. Clair Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

2. Malahide and Tecumseth Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

3. Saugeen and Brock Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

4. Gore and Thames Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

5. Erie and Niagara Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

6. Burlington and Home Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

7. Midland and York Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

8. Kings and Queens Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

9. Newcastle and Trent Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

10. Quinte and Cataraqui Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

11. Bathurst and Rideau Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

12. St. Lawrence and Eastern Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

30-B

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend and consolidate the Acts relating to the Profession of Medicine and Surgery.

First reading, Nov. 13, 1868.

MR. MCGILL.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

Discharged

No. 31.]

BILL.

[1868.

An Act to provide for the more efficient Registration of Marriages in Ontario.

HER MAJESTY by and with the advice and consent of the Legislature of Ontario, enacts:—

1. That section five of chapter seventy-two of the Consolidated Statutes of Upper Canada, now Ontario, be repealed and the following be substituted:—

Chap. 72,
Consolidated
Statutes of
Upper Canada
repealed.

2. Every Clergyman or Minister who celebrates a Marriage in Ontario, shall require the parties to the marriage to state the County, if residents in Ontario, in which they reside, and shall enter in a book to be kept by him for the purpose a true record of the marriage; and shall on or before the first day of February in every year return a certified list of all marriages by him solemnized during the year ending on the 31st day of December next preceding, to the Registrar of the County in which the marriages have taken place, and shall at the time of making the return pay or transmit to the Registrar one dollar as his fee thereon, and it shall be the duty of the Registrar to transmit to the Registrars of the respective Counties in Ontario in which the bridegrooms and brides resided at the time of their marriage, a transcript of the return so far as it relates to each County respectively, and it shall be the duty of each and every Registrar in Ontario to transmit to the Provincial Secretary annually, on or before the first day of February in each year, a true return of all marriages registered by him for the year ending the 31st day of December next preceding.

Clergymen
celebrating
marriage to
require
parties to
state resi-
dence, and re-
turn annually
to County
Registrar cer-
tified list, &c.

Registrar to
transmit a
transcript of
his return,
and the Pro-
vincial Secre-
tary annually
a return, &c.

3. It shall be the duty of the Provincial Secretary to cause such returns to be entered in a book to be kept for that purpose arranged alphabetically, and by Counties, and also to be properly indexed.

Provincial
Secretary to
enter returns
in a book, &c.

No. 31.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to provide for the more efficient
Registration of Marriages in Ontario.

First reading, November 13, 1868.

MR. GREELEY.

TORONTO

PRINTED BY HUNTER, ROSE & CO.

2nd
3rd
" 14 " 4
No. 32.]

BILL.

[1868.

An Act for Incorporating the Ontario Mutual Life Assurance Company.

WHEREAS Moses Springer, Esquire, M.P.P., Isaac E. Bowman, Esquire, M. P. P., John Allchin, Esquire, Jno. B. Snyder, Esquire, Jno. W. Walden, Esquire, M. D., and Cyrus M. Taylor have, by their petition, prayed for the Incorporation of a Company in the name, style and title of the "Ontario Mutual Life Assurance Company," for the purpose of carrying on a general Life Assurance business on the Mutual principle within the Province of Ontario, and it is expedient to grant their prayer; therefore Her Majesty by and with the consent of the Legislative Assembly of Ontario enacts as follows:—

1. The above named petitioners together with such other persons as now are or shall hereafter become members of the said Company shall be and are hereby ordained, constituted, appointed and declared to be a body politic and corporate in law, in fact and in name, by the name, style and title of "The Ontario Mutual Life Assurance Company," and shall be capable in law of purchasing, holding, and conveying any estate, real as well as personal, for the use and occupation of said Corporation, subject only to the rules, regulations, conditions, and powers herein set forth and mentioned.

Petitioners and others declared a corporation.

2. The head office of the said Company shall be located in the village of Waterloo, in the county of Waterloo.

Company located at Waterloo village.

3. The Corporation hereby created and constituted shall have power and authority to make and effect any contract or contract of Life Assurance with any person or persons and to transact a general Life Assurance business on the mutual principle, and to perform all other necessary matters and things connected with and proper to promote or carry out the object of the Company, provided always that the business of the said Company shall be confined to the Province of Ontario.

Authorized to contract for Life Assurance in Ontario.

4. The said Corporation shall be in law capable of acquiring by purchase, lease or otherwise, and of holding absolutely any lands or tenements for their actual use and occupation in the cause of their business, and the same may sell, let, convey, transfer, and dispose of as to them shall seem expedient, provided always that nothing in this Act shall be considered as permission to hold permanently any real estate beyond the annual value of ten thousand dollars, and the Corporation may also hold such real estate as shall have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts or judgments, which shall have been obtained for such debts, and it shall be lawful for the said Corporation to purchase

And to purchase lands for their own use, and convey them.

Proviso as to annual value, and lands by way of mortgage, &c.

- And may invest in securities of Dominion, and municipal bonds and debentures, &c. and hold, for the purpose of investing therein any part of their funds or money, any of the public securities of the Dominion of Canada or any of the Provinces forming or to form said Dominion, and the bonds and debentures of any of the incorporated cities, towns, or municipal corporations of Ontario, and also to sell and transfer the same and again to renew such investments when and so often as due regard to the interest of the said Corporation may require, and also to make loans of the funds of the Corporation or mortgage at any legal interest with power to receive such interest in advance or otherwise, and the same investments to call in and re-loan as occasion may require, provided always that all real estate so mortgaged or conveyed in security as aforesaid shall be sold and disposed of within seven years from the time of its becoming the absolute property of the Corporation. 15
- No policy to issue until 500 intended assurers, &c. 5. No policy of assurance shall be issued by the said company until applications have been made and accepted by at least five hundred persons who intend to become members thereof, and applying for assurance amounting in the aggregate to a sum not less than five hundred thousand dollars. 20
- Company not to deal in merchandize or banking. 6. The said Company shall not deal or trade in buying or selling any goods, merchandize or commodities, nor shall the Company or the Directors in any way exercise the business of banking.
- Every person insured a member. 7. Every person effecting an assurance with the said Company shall be a member thereof during the continuance of his policy and no longer. 25
- Directors to fix premiums, &c., if not sufficient to assess assured. 8. The Directors of the said Company shall determine the amount of the annual premiums to be paid by the members of the Company, and in case such annual premiums should at any time prove insufficient to pay the claims upon the said Company arising from the death of any of its members and the ordinary expenses of the company, then the Directors shall be empowered to levy and collect a special assessment upon all the members of the said Company, the said special assessment to be levied upon each member in proportion to his annual premium (and shall not exceed in any one year the amount of the said annual premium.) 30 35
- If premiums exceed requirements to form a sinking fund. 9. In case the annual premiums paid from year to year by the members of the said Company should exceed the amount required to pay the claims made upon the Company arising from the death of its members and the expenses of its management, such excess or surplus shall constitute a reserve or guarantee fund, and shall be invested from time to time in such government securities as the Directors may determine. 40 45
- Board of six Directors, &c. 10. The property, business and affairs of the Company shall be managed by a Board of six Directors, one of whom shall be chosen President, and one may be chosen Vice President, which Board in the first instance, and until others shall be chosen and have accepted office as hereinafter mentioned, shall consist of the persons mentioned in the preamble of this Act as petitioners for the passing thereof, and such Directors shall hold office 50
- Provisional Board.

until the election hereinafter provided for, shall have taken place.

11. The said Company may hold their annual meeting for the election of Directors at such time in each year as may appear most expedient to the Board of Directors. Election of Directors.

12. From and after the first annual meeting for the election of Directors, the Board shall consist of six Directors, two of whom shall retire annually in rotation, but shall be eligible for re-election. Two to retire annually.

10 13. Before the first annual meeting for the Election of Directors, the Directors, or a quorum of them, shall determine among themselves by ballot first, which two of the present Directors shall continue in office for one year, the said Directors after such ballot shall be known as standing first on the list of Directors, secondly, which two of the present Directors shall continue in office for two years, and the said Directors after such ballot, shall be known as standing second on the list of Directors, and the present Directors except the four elected by ballot shall all go out of office at the first annual meeting for the election of Directors, and at such meeting there shall be two Directors elected who shall continue in office for three years, and shall be known as standing third on the list of Directors. First Directors to regulate as to the two that retire.

25 14. The Directors shall retire from office in the following rotation, that, is to say: two Directors at each annual meeting after the first commencing with the two Directors standing first on the list of Directors, and in the same manner the two Directors standing next on the list of Directors at any annual meeting thereafter, the retiring Directors shall always be eligible for re-election, provided they possess the requisite qualification hereinafter mentioned, and the Directors shall hold office for three years, and until the next annual meeting thereafter. The order in which Directors retire.

35 15. The Election of Directors shall be held and made by such members of the Company as attend for that purpose in their own proper persons, or by proxy, all of which proxies shall bear date at least one month before the election at which they are used, and be filed with the manager of the Company within the same period, but no agent or sub-agent of the Company shall receive or hold proxies for voting at meetings of the said Company. May vote personally or by proxy. Except officers, &c.

16. The election of Directors shall be by ballot; and the persons having the greatest number of legal votes thereat shall be the Directors, and at every such election each member of the Company shall be entitled to one vote only. Election by ballot—one vote to each member.

45 17. Every person elected as a Director of the said Company shall be a member thereof, and shall be assured for a sum not less than one thousand dollars. Directors must be members and assured to \$1000.

50 18. If any vacancies happen among the Directors during the current year of their appointment by death, resignation or removal from the Province of Ontario, such vacancies shall be filled for the remainder of the year by a person or persons duly Vacancies filled by remaining directors.

qualified, to be nominated by a majority of the remaining Directors, and as soon as may be after the vacancy occurs.

No dissolution
for non-election
on the
day.

19. In case any election of Directors be not made on the day on which it ought to be made the Corporation shall not for that cause be dissolved, but the election may be held on any subsequent day within three months from the day appointed for holding the annual election according to the provisions of the by-laws and ordinances of the Corporation. 5

Subsequent
election to
stand for re-
mainder of
year, &c.

20. The Directors elected at such subsequent day shall have all the powers contained in this Act as if elected on the annual day of election, and shall hold office for the remainder of the current year of their election. 10

Managers,
&c., to give
security.

21. Every Manager, Secretary and Treasurer, shall before they enter upon the duties of their office, give bonds to the Company in the sum of not less than two thousand dollars with one or more sufficient securities to the satisfaction of the Board of Directors conditioned for the faithful discharge of their duties agreeable to the provisions of this Act and of the By-laws, rules and regulations of the Company made pursuant thereto. 15

Directors to
manage funds,
&c.

22. The Board of Directors for the time being shall superintend and have the management of the funds and property of and of all matters relating to and not otherwise provided for by the Company. 20

23. The Board may from time to time,

Board may
appoint Secretary
and
Officers for
their duties.

1. Appoint a Manager, a Secretary, and a Treasurer, and such other officers, agents and assistants as to them seem necessary. 25

2. Prescribe their duties.

Compensation,
&c.

3. Fix their compensation or allowance.

Take security,
&c.

4. Take such security from them as they deem necessary, or as may be required by this Act for the faithful performance of their respective duties, and 30

Remove them.

5. Remove them at pleasure and appoint others instead.

Fix rate of
premiums, &c.

6. Determine the rates of Assurance, the sum to be assured on the life of any person, and the sum to be deposited for the assurance thereof. 35

Issue policies.

7. Direct the making and issuing of all policies of assurance

Provide
books.

8. Provide books and stationary and other things needful for the office of the Company and for carrying on the affairs thereof.

Pay losses, &c.

9. Draw upon the Treasurer for the payment of all losses by and for expenses incurred in transacting the concerns of the Company. 40

Meetings
monthly.

10. Hold their meetings monthly and oftener if necessary for transacting the business of the Company, and

11. Shall keep a record of their proceedings.

24. Two-thirds of the whole number of the Board of Directors shall constitute a quorum.

25. The Board of Directors may, from time to time, make and subscribe such By-Laws, ordinances, rules and regulations as to them may appear needful and proper respecting the funds and property of the Company, the duties of the officers, agents, and assistants thereof for the efficient carrying out of the objects contemplated by this Act and all such matters as appertain to the business of the Company, and are not contrary to the laws either of the Dominion of Canada or of the Province of Ontario, and may from time to time alter and amend the same. May make by-laws.

26. The President of the Board of Directors shall have the right to vote on all questions, the same as other Directors, and in case of an equality of votes at any meeting of the Board he shall have, a second or casting vote. President to vote and give casting vote.

27. The Board may convene at any time a general meeting of the members of the Company upon an urgent occasion. Call a general meeting.

28. The Directors of the said Company shall make and furnish to the Lieutenant-Governor and to the Legislative Assembly of the Province of Ontario during the first fifteen days of the first session in each and every year a full and unreserved statement of the affairs of the said Company, and of its funds, property, and securities, shewing Furnish Lieutenant-Governor and Legislative Assembly statement annually.

25. 1. Cash in hand. 2. The amount and value of real estate. 3. What it shall show. The amount secured by bonds and mortgages. 4. The amount in public debt or other securities. 5. The amount of risks outstanding. 6. The amount of losses unpaid. 7. The amount due by such Company on securities given by it.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act for Incorporating the Ontario Mutual Life Assurance Company

First reading, Nov. 13, 1868.

Mr. SPRINGER.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

2nd
3rd
No. 33.]

20
15
BILL.

11
[1868.

An Act respecting Titles to Union Houses of Religious Worship.

WHEREAS, it is expedient to make provision for the acquiring of Titles to Union Houses for Religious Worship in Ontario: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts:—

- 5 1. That when members or adherents in any locality of two or more Religious Societies, desire to build a House for Public Worship, it shall be lawful for the proper authorities of each of the Societies respectively, to appoint from time to time one Trustee in the manner and form prescribed in section one of chapter sixty-nine of the Consolidated Statutes of Upper Canada. Two or more Religious Societies to appoint Trustees.
- 10 2. The Trustees of the Religious bodies so united shall have the like powers as conferred on Trustees under the said Act, and no others, and as to any act, deed or thing to be done or made by Trustees under the said Act, which by the said Act requires the sanction or consent of the Congregations or Religious bodies therein mentioned, the Trustees under this Act shall require the consent of each and every of the Congregations or Religious bodies so united, to be ascertained and signified in the manner mentioned in the sixth section of the said Act, in respect to the consent of the Congregations or Religious bodies therein referred to. Trustees to have powers as in Chapter 69 of Consolidated Statutes of Upper Canada. Consent of each Congregation necessary.
- 20 3. The conveyances and other deeds under this Act shall be in the same form, and are required to be registered within the same period as required by the said Act in respect to conveyances and deeds therein mentioned. Form of conveyances and time of registry.

2nd
3rd
" 3 " December "

No. 34]

BILL.

[1868.

An Act to legalize and confirm the Survey made by Alexander Campbell, Deputy Provincial Land Surveyor, of that part of the township of Seymour lying north-east of the River Trent and north-west of Crow River.

WHEREAS, it appears by the petition of the Municipal Council of the township of Seymour in the county of Northumberland, and certain owners, proprietors and occupants of lands in the said township, that it was and is doubted whether any actual survey was ever made of that part of the said Township of Seymour, lying North-East of the River Trent, and North-West of the Crow River, by William Brown, the Provincial Land Surveyor, who surveyed the other parts of the said township, and in consequence of such doubt on the application of parties the Honorable Commissioner of Crown Lands sent one Alexander Campbell out to survey and lay out that part of the township into lots, concessions and side line roads, that by the survey and the plans thereof, made by the said Alexander Campbell of that part of the said township, parties have bought and sold lands, settlements and improvements have been made according to the survey so made by the said Alexander Campbell, and the Municipal Council of the said township have opened out and made roads on the concession and division lines established thereby; and whereas the petitioners have prayed that the survey so made by the said Alexander Campbell may be legalized, confirmed and established by authority of the Provincial Legislature of this Province, as the true survey of that part of the said township of Seymour effected thereby, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The survey of that part of the township of Seymour in the county of Northumberland, which was made by Alexander Campbell, Provincial Land Surveyor, for the purpose of correcting any errors in the proper boundaries and in the correctly numbering of the lots in that part of the said township of Seymour, and for designating the said lots by their proper boundaries and numbers according to the numbers of lots actually contained in that portion of the said township of Seymour, a map and report of such survey, hath by the said Alexander Campbell, been duly returned to the office of the Commissioner of Crown Lands shall be, and they are hereby declared to be the true and unalterable survey of that part of the said township of Seymour to which the said plan and report relates, and that the lots therein shall severally bear the numbers and boundaries assigned in such survey.

Survey of part of Seymour by Alexander Campbell, Deputy Provincial Land Surveyor confirmed.

This Act shall be a public Act.

BILL.

An Act to legalize and confirm the survey made by Alexander Campbell, Deputy Provincial Land Surveyor, of that part of the township of Seymour lying north-east of the River Trent and north-west of Crow River.

First reading, Nov. 13th, 1868.

Mr. EYRE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

Discharged 3 December 1868

No. 35.]

BILL.

[1868.

An Act respecting liens.

WHEREAS it becomes necessary and expedient to provide for the protection and safety of mechanics, journeymen, artisans, and labourers and all persons furnishing materials towards the erection, altering, repairing of buildings, &c., within the Province of Ontario: therefore Her Majesty by and with the advice and consent of the Legislative Assembly enacts as follows:

Preamble.

1. Any person or persons who shall hereafter as contractor, labourer, workman, merchant or trader in pursuance of or in conformity with the terms of any contract with, or employment by the owner, or any person interested, perform any labour or furnish any materials towards the erection of, or in altering, improving, or repairing, any house, building, or personal property within the Province of Ontario on and after the first day of January, in the year of our Lord one thousand eight hundred and sixty-nine, shall have a lien for the value of such labour, work and materials upon such house, building and appurtenances, and also upon the lot of land on which the same stands, to the extent of the right, title, interest and claim of the owner at the time the contract was signed, but the aggregate of all liens authorized by this Act to be created for the labour performed and materials furnished shall not exceed the price stipulated in the contract.

Contractors and others to be entitled to a lien for work and materials.

2. When such construction or reparation is done by contract with, or at the request of, any lessee or tenant, the interest and title of such lessee and tenant in the improvement and the land on which the same is located shall stand pledged for all the work done, materials used and furnished, but not the interest of the landlord of the property, unless his written consent is first obtained, assenting to such construction, erection or reparation and acknowledging his estate to be also holden for the payment thereof stating the amount.

Lien only to affect the interest of employer except by written consent.

3. The buildings and improvements and the estate in the lands of one who is the owner of less than a freehold in the land shall be pledged for the work done and materials furnished, but not the estate of the owner in fee of the land, unless his written consent is first obtained, assenting to such construction, erection or reparation, and acknowledging his estate to be also holden for the payment thereof, stating the amount.

Do., do.

4. A memorandum or agreement, in the nature of a contract, must be signed and sealed in the presence of two witnesses by the parties to such contract, and the proprietor, lessee or agent of the premises containing a particular account of the work to be

The contract for the work to be in writing, and filed, etc., with the

Clerk of the
County
Court.

done, the materials to be furnished, the date when such contract shall be completed, a general description of the premises on which such work is required, also the contract price, which said contract or agreement or a true copy of the same shall be filed with the Clerk of the County Court for the county 5 where such property is situate, and proved by the affidavit of one of the subscribing witnesses to the contract.

Lien not to
exceed value
of the im-
provement.

5. The lien shall in no case be for a greater sum than the just value which such building or improvements shall give to the land not to exceed the contract price. 10

Amount of
lien against
owner ascer-
tained by cer-
tificate of
contractor.

6. Artisans, builders and mechanics, and those who furnish materials for buildings under contract, with the proprietor thereof, and all sub-contractors, shall have a lien for such materials furnished, and for work and labor done on houses and other edifices by them hereafter erected in whole or in part, each 15 one for his own work and materials furnished if such employer endorse therein that the claim is correct. The owner or other person shall pay the same if indebted to the employer to the amount claimed, if not then the amount due from him to said employer at the time that due notice was given to the owner 20

Provided the
parties notify
owner, etc.

providing that such sub-contractor or labourer shall give proper notice to the owners of his or their intention to furnish materials or perform labour and the probable value thereof, and of having agreed on the amount to be paid therefore with the contractor, and further, within ten days after 25 the labour is performed or materials are furnished, file in the office of the Clerk of the County Court for the county where such property is situate a true copy of such claim or agreement and a description of the property charged with the lien.

Parties to
prove their
claims, etc.

7. All persons having liens, in order to enforce the same, shall 30 prove their demands in the same manner as in ordinary actions at law, except that no variance as to the persons named as contractor, owner or debtor in the lien notice or bill of particulars, or statement of claim, or any in pleading, shall impair or effect the right of the claimants as hereinafter defined, and every 35 party shall have relief according to the rights of the parties as they appear in evidence.

In case of
successive
liens, order of
priority.

8. In case of successive liens by the contractor, sub-contractor, workmen, or person furnishing materials, and of a number of liens in favor of different persons, their rights and priorities 40 shall be determined as follows: The lien of the labourer, journeyman and sub-contractor shall be entitled to a priority over the contractor for the payments due for services or materials; in case of several buildings done under one contract in completing liens each shall have priority on the particular building where 45 his labour is performed, or his material used, persons standing in an equal degree as co-labourers or various persons furnishing materials shall have priority according to the date of filing their liens, but in no case shall the owner, lessee or tenant be held responsible for a greater amount than the contract price, 50 or improvements performed.

On failure to
pay action
may be

9. If the owner, lessee, or tenant fail or refuse to pay the same to such sub-contractor, journeyman or labourer, he or they may within three months after the service of said notice com-

mence an action for recovery of his or their claim or claims brought. If claim not due, notice to be given.
 under said liens, providing the payments are due from the owner to the contractor, if the contract price be due at some future day, such sub-contractor, journeyman, or labourer shall file
 5 their notice as herein mentioned, and shall, after such claim becomes due and payable, commence his or their action; no such sub-contractor, journeyman or labourer shall have an action against the owner, providing such owner has paid or given negotiable security or other equivalent for payment to the contractor or undertaker prior to his having received notice as
 10 herein stated. Provision.

10. In case the owner of such land, lessee or tenant, shall have failed to perform his or their part of such contract, by reason whereof the other has been prevented from completing such
 15 contract, the latter parties shall have a lien on such building and land for such sum as is his or their due for what has been by him or them done. If contract not completed by reason of non-payment of lien.

11. All or any number of persons having liens on the same building, pursuant to the provisions of this Act, may join in one
 20 action, but their claims shall be stated distinctly, as in a separate action, and the judgments shall show the amounts to which they are respectfully entitled; if several such actions be brought by different claimants and pending at the same time, the Court may order them to be consolidated. The several liens may be sued for in one action.

12. Whenever any person having a lien, by virtue of the provisions of this Act, shall have received satisfaction for his claim and the costs of his proceedings thereon, he shall, upon the request of any person interested, and upon the payment or tender of the costs of entering satisfaction within six days after
 30 such payment or tender, file a certificate of satisfaction, in the office of the Clerk of the County Court, where such property is located, and upon his failing to do so shall forfeit and pay the sum of twenty dollars to the party aggrieved, and also all damages he may have sustained in consequence of such failure or
 35 neglect. On payment of lien satisfaction to be acknowledged and filed.

13. The complaint of the plaintiff shall contain a brief statement of the contract on which the claim is founded, the amount due thereon, the date the notice was filed with the Clerk of the County Court, the time when the building was completed,
 40 labor performed or materials furnished, with a description of the premises, and any other material facts, and shall pray that the premises may be sold and the proceeds of the sale applied to the discharge of said lien. How claim to be set forth.

14. Such lien shall cease to exist at the expiration of one
 45 year after the completion of the building or repairs, unless before that time an action to enforce the same shall have been commenced in Court by the person having such lien against the owner, lessee or tenant with whom or with whose agent the contract was made, unless such claim be not due at the expiration of one year, after such completion, in which case the action shall be commenced within three months after the same shall have become due. Lien to terminate in one year, unless prosecuted, etc.

15. The proceedings in an action to enforce such lien shall Proceedings

in the action
to enforce
lien.

be the same as in other actions; except as otherwise provided for in this Act, and if the judgment be rendered for the plaintiff he may have execution issued against the premises and thereupon the Sheriff shall proceed as upon other executions upon real property.

5

Lien may be
confessed,
etc.

16. In all proceedings commenced under this Act the defendant may file a written undertaking with satisfactory sureties, to be approved of by the County Judge, for the county where such property is situate, to the effect that he will pay the 10 judgment and thereby release his property from the lien created.

This Act shall be deemed a public Act.

No. 35.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act relating to Liens.

First reading, Nov. 13, 1868.

Mr. TROW.

TORONTO.

PRINTED BY HUNTER, ROSE & CO.

Discharged

3 Dec

No. 36.]

BILL.

[1868

Homestead Exemption Law.

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Assembly, enacts as follows :

1. This Act shall be called and known as the Homestead
Act of 1868, and may be so cited or designated in all acts or
5 proceedings whatsoever.
2. From and after the first day of July, in the year of our After 1st
Lord one thousand eight hundred and sixty-nine, the family July, 1869,
homestead of each head of a family shall be exempt from sale Homestead
on execution on any judgment or decree rendered on any cause to be exempt
10 of action accruing after the taking effect of this Act, providing from execu-
that such homestead shall not exceed one thousand dollars in tion.
value. |
3. The widow and minor children of any person deceased, Widow and
who held property thus exempted, may continue to hold the children to
15 exempted premises during the minority of such children, and hold it ex-
until the death of the widow, and the exempted property shall empt, etc.,
not be sold during such minority, or during the life of the during minor-
widow, for the payment of any debt contracted from and after ity of children
the first day of July, 1869; and no release or waiver of such and death of
20 exemption shall be valid, unless the same shall be in writing, widow.
subscribed by such householder, and acknowledged in the same
manner as conveyances of real estate are by law required to be
acknowledged.
4. Every widower or widow having an unmarried child or Widow hav-
25 children residing with him or her, as part of his or her family, ing unmar-
shall have the benefit of this Act in the same manner as mar- ried child,
ried persons; and married persons, living together as husband and parties
and wife, shall be entitled to the exemption in this Act pro- married and
vided, although they have no children. having no
children.
- 30 5. Any person owning the superstructure of a dwelling- Owner of the
house, occupied by him or her as a family homestead, shall be building and
entitled to the benefit of this Act, although the title to the land lessees to be
on which the same may be built shall be in another, and lessees entitled to
shall be entitled to the benefits of this Act in the same manner hold exempt,
etc.
35 as owners of the freehold, providing nothing herein contained
shall be construed to prevent a sale of the fee simple subject to
such lease.
6. To entitle any property to such exemption, the conveyance The convey-
of the same shall show that it is designed to be held as a home- ance must
40 stead under this Act, or if already purchased, or the conveyance show the pro-
does not show such design, a notice that the same is designed perty intend-
ed to be a
homestead.

The case of
prior pur-
chased pro-
perty.

Taxes, etc.

to be so held shall be executed and acknowledged by the person owning the said property, which shall contain a full description thereof, and shall be recorded in the office of the Registrar of the County in which said property is situate, in a book to be provided expressly for that purpose, and known as the Homestead Exemption Book; but no property shall, by virtue of this Act, be exempt from sale for non-payment of taxes or assessments, or for a debt contracted for the purchase thereof, or any debt contracted prior to the recording of the aforesaid notice, deed or certificate. 5 10

Exemption
not to prevail
against
mechanics'
lien or a
mortgage.

7. Such exemption shall not affect any labourers, journeymen or mechanics' lien, or extend to any mortgage thereon lawfully obtained, but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid, without the signature of the wife to the same, in the presence of two 15 witnesses.

If value ex-
ceed \$1,000
how to pro-
ceed.

8. When property exempted, as aforesaid, is claimed by a creditor to be of greater value than one thousand dollars, the Sheriff of the County wherein such property is situate, shall summon six qualified Jurors of his County, who shall, upon 20 oath, to be administered to them by such Sheriff, appraise said premises; and if, in the opinion of said Jury, the property is of more value than one thousand dollars, and that the said property may be divided without injury to the interests of the parties, they shall set off such part of the property as such 25 debtor may select, including the dwelling-house, as in their opinion shall be worth one thousand dollars, and the residue of said premises may be advertised, and sold by such Sheriff to satisfy such execution.

If value ex-
ceed \$1,000
and cannot be
divided.

9. In case the value of the premises shall, in the opinion of 30 the Jury, be more than one thousand dollars, and cannot be divided as is provided for in the preceding section, they shall make and sign an appraisal of the value thereof, and deliver the same to the Sheriff, who shall deliver a copy thereof to the execution debtor, or some member of his family of suitable age 35 to understand the nature thereof, with a notice thereto attached that unless the execution debtor pay to the said Sheriff the surplus over and above one thousand dollars (not to exceed the claim and costs) within six months, that such premises will be sold. 40

If excess not
paid in 6
months,
Sheriff may
sell, etc.

10. In case such surplus shall not be paid within the said six months, it shall be lawful for the Sheriff to advertise and sell the said premises, and out of the proceeds of such sale, to pay to such execution debtor the sum of one thousand dollars, which shall be exempt from execution for one year thereafter, 45 and apply the balance on such execution, providing that no sale shall be made, unless a greater sum than one thousand dollars shall be bid therefor, in which case the Sheriff may return the execution for want of property.

Not to impair
right to
dower.

11. Nothing in this Act shall be so construed as in any way 50 to impair the right of dower as it now exists, or the mode by law for enforcing the right.

Costs of sale.

12. The costs and expenses, or selling off such homestead as

provided herein, shall be charged and included in the Sheriff's bill of costs upon the execution.

This Act shall take effect on the first day of July, 1869.

Commence-
ment.

No. 36.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act intituled Homestead Exemption
Law.

First reading, November 13, 1868.

Mr. TROW.

TORONTO

PRINTED BY HUNTER, ROSE & Co.

2nd 26. " 4 referred to select 6.7
Dropped 23 January 1864

No. 37.]

BILL.

[1868.

An Act to amend Chap. 31 of the Consolidated Statutes of Upper Canada, entitled an Act respecting Jurors and Juries.

WHEREAS it is expedient to amend said Act; therefore Her Majesty by and with the advice and consent of the Legislature of Ontario, enacts as follows:

- 5 **1.** That section two of said Act be so amended that in all cases, civil or criminal, where a jury are required to determine, assess, or inquire into a two-third verdict of twelve jurors, duly sworn for the trial of such issue or issues, or for the assessment or enquiry of such damages shall be sufficient. Section 2 of Cap. 31 repealed, and two-thirds of a Jury may find a verdict.
- 10 **2.** That clause No. 6, be so amended that no property qualification be requisite, but that the selectors shall select from the Assessment Roll such persons as, in their opinion, or a majority of them, are, from the integrity of their characters, the soundness of their judgments, and the extent of their information, the
15 most discreet and competent for the performance of the duties of jurors. No property qualification required for Jurors.
- 3.** That clauses 22 and 23 of said Act, and all other subsequent clauses, wherever Grand Jurors are mentioned, be struck out, and that their services be transferred to a bench of
20 Magistrates, composed of not less than seven, and also the Comty Attorney, and that, instead of one-twelfth, two-twelfths, three-twelfths, six-twelfths being selected to serve as jurors that only one-twentieth, two-twentieths, three-twentieths and six-twentieths be selected hereafter. Grand Juries abolished and their duties transferred.
- 25 **4.** That instead of the selection of Jurors required by the 51st and following sections of the said Act, such second selection shall be and is hereby dispensed with, and it shall be the duty of the Sheriff or other officer to whom any writ of *venire facias* or precept for the return of Jurors, is directed to draft the panel
30 by ballot from the Jury book mentioned and referred to in the 39th section of the said Act, and he shall proceed to complete such panel accordingly, and, in like manner, as by the said Act is directed, with respect to drafting panels of Jurors through the intervention of selectors under the said 51st section,
35 and the panel so drafted shall, to all intents and purposes, be as valid and effectual as any panel of Jurors would have been, if made under the existing law, and all other clauses and provisions of the said Act, in respect of the drafting panels of Jurors, and their obligations shall apply under this Act so far as the
40 same can be made conformable or applicable thereto. 2nd selection of Jurors abolished.

5. So much of the above recited Act as shall be inconsistent with the above provisions and amendments is hereby repealed

BILL.

An Act to amend the Jury Law.

First reading, Nov. 16th, 1868.

Mr. Trow.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

2nd - referred to Com^{tee} of the whole 20 "
 reported with amendments 24 "
 3rd - Reading & passed 26 "

No. 38.]

BILL.

[1868.

An Act to Exempt certain articles from Toll.

WHEREAS by the Act of the Parliament of the late Pro- Preamble.
 vince of Canada, being Chapter 86 of the Consolidated
 Statutes of Canada, Section 3, vehicles laden solely with
 manure are allowed to pass free of toll through every Turnpike
 5 Gate or Toll Gate on any Turnpike Road within twenty miles
 of any city or incorporated town, and as such exemption from
 toll is not mentioned in the Act, being Chapter 49 of the Con-
 solidated Statutes of Upper Canada, and whereas doubts have
 arisen as to whether tolls can be legally collected or not in such
 10 case, and it is desirable that such doubts should be removed,
 and the right to such exemption from such toll
 authoritatively declared; Therefore, Her Majesty, by and with
 the advice and consent of the Legislative Assembly, enacts as
 follows:

15 **1.** Notwithstanding anything in the last mentioned Act con-
 tained,

From and after the passing of this Act, every vehicle laden Vehicles
 solely with manure brought from any city or incorporated laden with
 town in the Province of Ontario, and employed to carry such manure to
 20 manure into the country parts, for the purpose of agriculture, pass free of
 and the horse or horses, or other beasts of draught, drawing toll through
 such vehicle shall pass toll free through every Turnpike Gate Turnpike
 or Toll Gate on any Turnpike or Macadamized Road within Gates.
 twenty miles of such city or incorporated town, as well in
 25 going from such city or incorporated town, as in returning
 thereto, if then empty.

Bill
An Act to Exempt certain articles from
Toll.

First reading, Nov. 16, 1868.

Mr. CRAIG (Russell).

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

2nd - " and referred to in the whole 23
reported amended 20
3rd - Reading November 27, 1868

No. 39.]

BILL.

[1868.

An Act to amend an Act of the late Province of Canada intituled "An Act for the collection by means of Stamps of Fees of Office, dues and duties, payable to the Crown upon Law proceedings and Registrations."

WHEREAS, it is expedient to make provision for the collection by the Treasurer of Ontario, of the Fees and Charges mentioned and referred to in the Act passed in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chaptered five, in so far as the same are payable to the Crown, for or upon any proceedings or matter in that part of the late Province of Canada, formerly called Upper Canada, now constituting the Province of Ontario; therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :—

10 1. From and after this Act shall come into force, in so far as Defining, the said in part recited Act applies to what is now the Province of Ontario, the words or expressions therein used "The Governor in Council" shall mean "the Lieutenant Governor in Council of the Province of Ontario;" "Upper Canada" shall mean the Province of Ontario, and "the Finance Minister" and "the Receiver General" shall mean the "Treasurer of Ontario."

20 2. From and after this Act shall come into force the Executive Government of this Province shall take charge of the said fees and charges in the said in part recited Act mentioned or referred to, in so far as the same arise or are payable in this Province, and, under the provisions of the same Act as amended by this Act, shall have the absolute control and management thereof any statute, law, usage or custom to the contrary, notwithstanding.

25 3. This Act shall not come into operation until the Lieutenant-Governor in Council shall by Proclamation to be published in the Ontario Gazette, declare that on and after a day therein to be named, this Act shall come into force, and it shall be law for the Lieutenant-Governor in Council to issue the Proclamation aforesaid at any time after the passing of this Act.

Executive Government of Ontario to take charge of the fees, etc., so far as payable therein, etc.
Commencement of Act by proclamation, which Governor in council may issue at any time.

No. 39.

2nd Session. 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend an Act of the late Province of Canada, intituled "An Act for the Collection by means of Stamps of Fees of Office, dues and duties, payable to the Crown upon Law proceedings and Registrations."

First reading, November 16, 1868.

Mr. WOOD.

TORONTO;

PRINTED BY HUNTER, ROSE & CO.

hnd
" Revised Bill - Municipality of "
Dropped.

No. 40.]

BILL.

[1868.

An Act to amend the Assessment Act of Upper Canada
Cap. 53 of 29th and 30th Vic.

WHEREAS it is necessary to amend the above recited Act; Preamble.
Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of Ontario, enacts as follows:

1. That sub-section twenty-one of section nine be so amend- Sub-section
5 ed by changing the words three hundred to six hundred. 21, section 9
amended.

That in lieu of sub-section twenty-two of section nine, the Sub-section
following, the stipend or salary of any minister of religion, in- 22, section 9
cluding his dwelling-house and parsonage, providing the same amended.
does not exceed in value twelve hundred dollars.

10 That sub-section one of section twenty-one of said Act be Sub-section 1,
altered and amended by substituting the words in the order of section 21
Lots and Concessions, instead of the words Alphabetical order amended.
in the second line of the said sub-section.

In lieu of column four of sub-section four of section twenty- Sub-section 4,
15 one, state whether the party is a freeholder, householder or section 21
tenant, by affixing the letter F, T or H, as the case may be. amended.

In amendment of the thirty-fifth section of said Act, that in- Section 35
stead of the rate or scale of assessment contained in such amended.
section, all real personal property of any person shall be assessed
20 at its actual value.

In amendment of the fiftieth section of said Act, the Asses- Section 50
sors shall complete their respective rolls at such time that the amended.
County Council directs, not oftener than once in every three
years, and deliver the same to the Clerk of the Municipality,
25 with the certificates and affidavits attached, not later than the
first day of November.

In amendment of the sixtieth and sixty-third sections, the Section 60
word January be inserted instead of June, for the final revision and 63
of the Assessment Roll. amended.

30 In amendment of sub-section six of section sixty-four of the Sub-section
said Act, that the County Judge or Recorder, as the case may 6, section 24
be, shall hear the appeals and may adjourn the hearing from amended.
time to time, and defer the judgment thereon at his pleasure,
so that a return can be made to the Clerk of the Municipality
35 on or before the first day of February in the year in which the
assessment is made.

Section 72
amended.

In amendment of the seventy-second section, that the County Council shall meet not later than the first day of April, to examine the Assessment Rolls of the different Townships, Towns and Villages in the County.

Section 78
amended.

In amendment of the seventy-eight section of the said Act, the County Clerks shall, before the first day of May in each year, certify to the Clerk of each Township, Town or Village in the County, the total amount which has been directed to be levied therein for the current year for the purposes therein stated, and the Clerk of the Township, Town or Village, shall calculate and insert the same in the Collector's Roll for that year. 5

Section 84
amended.

In amendment to section eighty-four of the said Act, that every person assessed upon the Assessment Roll of a Township, shall be rated for statute labour in proportion to the actual value of his or her real and personal property, and in such manner as shall be directed by any by-law of the Municipality of the Township. 15

Section 87
amended.

In amendment of the eighty-seventh section of the said Act, that the statute labour in the Township, in respect of lands of non-residents, shall be co-minuted on the same scale as residents. 20

Non-residents
to be assessed
as others.

That non-residents shall be rated for statute labour in proportion to the actual value of the real property owned by them in such Municipality, the same as residents on each separate lot. 25

Section 93
amended.

In amendment of the ninety-third section of the said Act, that the Clerk of every Local Municipality shall make out a roll, in which he shall enter the lands of non-residents whose names have not been set down in the Assessor's Roll, with the value of every lot, and other particulars set forth in the said section, and shall transmit the same to the Treasurer of such Local Municipality, certified under his hand, or to the City Chamberlain, as the case may be, on or before the first day of February. 30

Sections 110,
112, 114, and
sub-sections
amended as
to duties of
County Treasurer.

That the said Act be further amended by substituting the words Township Treasurer for the words County Treasurer in the 110th, 112th, 114th, and all subsequent sections of the said Act where the words County Treasurer occur, and that all the duties, powers and functions belonging to, or to be exercised and performed by the County Treasurer as therein defined, shall be performed and exercised by the Township Treasurer of the Municipality, instead of the County Treasurer, as fully and effectually, to all intents and purposes, as if the words Township Treasurer had been originally inserted in the said sections, instead of the words County Treasurer. 40 45

Section 129
amended.

That the 129th section of the said Act be also amended by reducing the period for sale of lands for taxes in arrear from five years to three years, and that the latter words, three years shall be substituted in the said section for five years, subject however to the like provisions for extending the time of payment after the expiration of the said period of three years by By-Law, as contained in the 130th section of the said Act, with respect to the period of five years therein mentioned. 50

That the 147th section of the said Act be also amended by enacting that the Township Treasurer shall, in all deeds given for lands sold for arrears of taxes under the provisions of the said Municipal Institutions Act as hereby amended, insert a description of the premises sold with sufficient certainty, according to the provisions of the said section, and that all the lands sold to any purchaser shall, when the time has arrived for the execution of the deed of conveyance, be conveyed to such purchaser in and by one deed of conveyance only (in duplicate) or by several deeds (in duplicate) if the purchaser shall so desire, but not otherwise.

Section 147
amended.

So much of the above recited Act as shall be inconsistent with the above provisions and amendments is hereby repealed.

No. 40.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

To amend the Assessment Law.

First reading, Nov. 16, 1868.

Mr. Trow.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

2nd

30 November 1868
Discharged 7. January 1869

No. 42.]

BILL.

[1868.

An Act to repeal the existing statutory enactments respecting the Protection of Sheep from Dogs.

WHEREAS the existing statutory enactments, respecting the protection of sheep from dogs, have been found to be unsatisfactory in their operation; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. From and after the passing of this Act, the Act passed 29 V. c. 39 in the Parliament of the late Province of Canada, in the twenty-ninth year of Her Majesty's Reign, chapter thirty-nine, and intituled "*An Act to impose a tax on dogs, and to provide for the better protection of Sheep in Upper Canada*," and the Act passed in the said Parliament in the twenty-ninth and thirtieth years of Her Majesty's Reign, chapter fifty-five, and intituled "*An Act to amend and consolidate the Acts to impose a tax on dogs, and to provide for the better protection of Sheep in Upper Canada*," shall be, and the same are hereby repealed.
2. Any fund or sum of money raised by way of tax under the authority of the said Acts, or either of them, and held by any Municipal Corporation in Ontario, shall become part of the general funds of the said Corporation, and shall be applied to the general purposes thereof. Funds raised under them.
3. Notwithstanding the repeal of the said Acts, the collection of the said tax, imposed in respect of the present year, may be proceeded with, and such tax imposed in respect of the present year, when collected, shall become part of the general funds of the Municipality, and shall be applied to the general purposes thereof. Or in course of collection.
4. The owner or keeper of any dog that shall kill, wound, or otherwise injure any sheep or lamb, shall be liable to the payment of damages to the owner or other person entitled to bring an action in respect of the killing, wounding, or injuring of such sheep or lamb, without any proof of notice to, or knowledge by the owner or keeper of such, dog that the dog was mischievous, or disposed to chase or kill sheep or lambs. Owner of dog liable to damage without notice.
5. Any person may kill any dog which he may see chasing, worrying or wounding any sheep or lambs, unless the same shall be done by the direction or permission of the owner of the sheep or lamb, or of his servant or agent. Any one may kill dog, etc.
6. The owner or keeper of any dog, which shall chase, worry, injure or kill any sheep or lamb, shall, within forty-eight hours, destroy dog. Owner must destroy dog.

after receiving notice thereof in writing, cause such dog to be killed, and for every neglect so to do, he shall suffer a penalty of two dollars and fifty cents, and a further penalty of one dollar and twenty-five cents for every forty-eight hours thereafter until such dog be killed: Provided always that no such penalty shall be imposed where it was not in the power of such owner or keeper to kill such dog; and such penalties shall be recoverable by summary proceedings before a Justice of the Peace, and shall, when recovered, become part of the general funds of the Municipality within which the defendant, in such case, resides.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to repeal the existing statutory enactments respecting the Protection of Sheep from Dogs.

First reading, Nov. 17, 1868.

MR. CLARKE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

1 - Received 19 November 1888
Dropped 23 January 1889

No. 43.]

BILL.

[1868.

An Act to confirm the title of Clarissa Wilkins, to certain Lands therein mentioned, and for other purposes.

WHEREAS a petition has been presented to the Legislature stating that the late Honourable Rober Charles Wilkins, of the Township of Ameliasburgh, being seized in fee simple of Lot No. thirty-eight, and the east half of Lot No. thirty-seven, 5 in the second Concession of the Township of Sidney, in the County of Hastings, by deed, dated the twenty-seventh day of April, A.D. 1848, conveyed the said lands to Thomas B. Wragg, George Neville Ridley, and Benjamin Dougall, in trust for the said Clarissa Wilkins, and as therein set forth.

10 That on the nineteenth day of Janury, in the year of our Lord one thousand eight hundred and fifty-six, the said Thomas B. Wragg, and George N. Ridley, renounced the said trust to the said Honourable Robert Charles Wilkins and Benjamin Dougall.

15 That on the fifth day of September, in the year of our Lord one thousand eight hundred and sixty-three, the said Honourable Robert Charles Wilkins, being then the sole surviving Trustee (the said Benjamin Dougall having previously departed this life), executed a quit claim deed of such lands, to the said 20 Clarissa Wilkins.

That in consequence of the doubts which exist, and have arisen, on account of the execution and registration of the said several conveyances, the petitioners are unable to sell, or convey the said lands, although they have had several offers from parties 25 to purchase the same.

That the petitioners have been more than twenty years in possession of the said lands, and of the rents and profits thereof, but are unable to acquire but a very small part of the advantage from the same, which they could acquire by the sale and invest- 35 ment of the proceeds of such sale;

And praying that "An Act may be passed to authorize the said Clarissa Wilkins, either alone, or jointly with her husband, to convey the said lands, either en bloc, or in parts, to any person, or persons, who may be desirous of purchasing the same, 40 or any part thereof;"

And it is expedient to grant the prayer of the said petition.

Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Clarissa Wilkins may convey certain lands.

1. That the said Clarissa Wilkins, either alone, or jointly with her husband, may convey the said lands, either en bloc, or in parts, to any person, or persons, who may be desirous of purchasing the same, or any part thereof, absolutely in fee simple, and free from any charge, lien, incumbrance, or trust, whatsoever. 5

2. That this Act shall be a public Act.

No. 43.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to confirm the title of Clarissa Wilkins, to certain Lands therein mentioned, and for other purposes.

PRIVATE BILL.

First reading, 17, Nov. 1868.

MR. CORBY.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

2nd " & Referred to Comtee of Schools 19 "
Dropped 23 January 1869

No. 44.]

BILL.

[1868.

An Act for the amendment of the Acts relating to
Grammar Schools.

HER Majesty, by and with the advice and consent of the
Legislative Assembly, enacts as follows:

1. Section Twelve of Chapter Sixty-three of the Consoli- Sec. 12, ch.
dated Statutes of Upper Canada is hereby repealed, and the 63, Con. Stat.
5 following is substituted in lieu thereof:— U. C. re-
pealed.

2. In each Grammar School provision shall be made for Certain
giving, by a teacher or teachers of competent ability and good branches of
morals, instruction in all the higher branches of a practical training to be
English and commercial education, including the natural taught in
10 sciences, and such instruction shall be deemed the primary Grammar
function of the school. Provision shall also be made for giving Schools.
to such pupils as may desire it instruction in the Latin, Greek May include
and modern languages, and mathematics, so far as to prepare Latin, Greek,
15 students for University College, or any College affiliated to the etc.
University of Toronto, or for the entrance examination required According to
by any faculty of law, medicine, divinity or civil engineering programme.
in Ontario. The instruction hereinbefore mentioned shall be
given according to a programme of studies, and general rules
and regulations to be hereafter prescribed by the council of
20 Public Instruction and approved by the Lieutenant-Governor
in Council, and no Grammar School shall be entitled to receive
any part of the Grammar School Fund which is not conducted
according to such programme, rules and regulations, after the Grammar
same have been so prescribed and sanctioned, but no regulation School Fund,
25 shall be made prescribing the number of pupils to be required etc.,
for a school, or for pursuing any special branch of study; nor
shall any different qualifications be required for the admission Not to pre-
of classical and non-classical students. And no school shall be scribe num-
deprived of its due apportionment of the Grammar School Fund ber of pupils
30 for any irregularity, except by order of the Lieutenant-Gov- in special
ernor in Council, made after due notice to the Board of Trus- branches
tees of such school, and reasonable opportunity given for amend- Loss of share
ing such alleged irregularity. in School
Fund.

2. The programme, rules and regulations proposed by the Programme
35 Council of Public Instruction shall be printed and laid on the of council of
table of the Legislative Assembly during a session thereof, and Public In-
a copy shall be sent to each Board of Grammar School Trus- struction to
tees; and such programme, rules and regulations shall not be be printed,
sanctioned by the Lieutenant-Governor in Council until at least etc.
40 one month after the commencement of the then next ensuing Not to be
session. And until the same are so sanctioned each Head Mas- sanctioned
ter of a Grammar School may, with the approval of the Board before one
month, etc.

of Trustees, prescribe a course of studies for such school in accordance with the provisions of this Act.

Trustees to make regulations for proper management, etc.

3. The word "pupils," in all Acts relating to Grammar Schools, shall be deemed to include both sexes, and it shall be the duty of the Board of Trustees of each school to make suitable regulations for the proper management of the school in this behalf. The apportionment of the Grammar School Fund shall be made upon the basis of the average attendance of all duly admitted pupils without distinction. 5

No. 44.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act for the amendment of the Acts relating to Grammar Schools.

First reading: Nov. 17, 1868.

Mr. HAYS.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting Gratuitous Loans.

WHEREAS it is necessary and expedient to afford better Preamble.
protection to the owners of personal property in respect
thereof; Therefore, Her Majesty, by and with the advice and
consent of The Legislative Assembly, enacts as follows:—

- 5 1. Whenever any person or persons shall obtain from any
other person or persons a gratuitous loan of any goods, chattels
or security for money, and such person or persons so obtaining
such gratuitous loan neglects or refuses, on demand made to
such borrower by the owner or owners, or by his or their agent
to deliver back the same to such owner or owners, such owner
10 or owners or either of them, or his or their agent may go be-
fore any Justice of the Peace, either within the county in
which such gratuitous loan was made, or in which the bor-
rower or borrowers may happen to be, and upon laying an in-
formation under oath setting forth such loan or demand and
15 refusal or neglect of delivery, and that such owner or owners,
or agent is entitled to the possession of the goods, chattels or
security for money as aforesaid, such owner or owners, or his
or their agent shall be entitled to have a summons issued under
the hand of the Justice of the Peace aforesaid calling upon such
20 borrower or borrowers to appear at such place and time as shall
be mentioned, in such summons to answer such charge.
2. Upon the appearance of such borrower or borrowers, eith-
by himself or themselves, or his or their agent, or counsel, or in
case of his or their non-appearance, then upon the production
25 of the original summons with an affidavit of any literate per-
son thereto attached, of the service upon such borrower or bor-
rowers in person or by leaving the same at his place of resi-
dence with some grown up member of the family of a true
copy of such summons, either the Justice of the Peace who is-
30 sued said summons, or in his absence, any other Justice of the
Peace of the county where such borrower or borrowers are
summoned to appear, shall hear the statements under oath of
both the lender or lenders, and the borrower or borrowers of
such goods, chattels, or security for money as well as of any
other witnesses who may be summoned by the parties, and in
35 case it appears to the presiding Justice of the Peace that such
person or persons so summoned has or have obtained a gratui-
tous loan of any such goods, chattels, or security for money
from the complainant or complainants, and that demand of
such goods, chattels, or security for money had been made and
40 refused or neglected within the meaning of this Act, then such
presiding Justice shall by an order in writing, under his hand
as such Justice, command the borrower or borrowers either to
return such article to the complainant or complainants within

If chattels
etc., gratuit-
ously loaned
not returned
on demand,
the borrower
may be sum-
moned, etc.

Both parties
to be heard
on oath as
well as their
witnesses,
etc., and the
Justice may
order the
chattel etc. to
be returned,
etc., or the
borrower to
pay the value,
etc., or may
levy, etc.

a time to be named in such order, or to pay him or them the value thereof to be ascertained at the trial, together with the costs, in either case of and incidental to such trial, to be taxed and allowed by such Justice of the Peace according to the scale of costs under the Summary Convictions Act, Chapter 103, Consolidated Statutes of Canada: And such order shall direct that in default of the return of the article with costs, or of the payment of its value with the cost as directed in said order, the value of such article and the costs shall be recovered by the distress and sale of the borrower's goods and chattels together with the costs of such distress in the manner provided by the said Summary Convictions Act. 5 10

In default of payment or levy, party may be imprisoned, etc.

3. In addition to what is recited in the second section of this Act, the Justice of the Peace who makes the order mentioned in that section shall direct in said order that, in case the said borrower or borrowers shall neither return the goods, chattels or security for money borrowed, with the costs, nor pay its or their value, with costs, as mentioned in said second section of this Act, or if the whole sum ordered to be paid cannot be made by distress and sale as mentioned in said second section, he or they shall be committed to the common jail of the County where the trial is had for a period of not more than five calendar months, and such order shall contain a command to all or any of the constables or peace officers of said County, to execute the same by the arrest and imprisonment of said borrower or borrowers as directed in said order. 15 20 25

Other remedy not hereby barred.

4. Nothing contained in this Act nor any imprisonment thereunder shall be construed to prevent the lender or lenders above mentioned from recovering the value of the subject matter of such gratuitous loan in any other manner authorized by law. 30

Not to apply to money or bank notes.

5. This Act shall not apply to money, nor to the ordinary notes or promises to pay of any chartered Bank.

6. No summons shall be issued under this Act, or any proceedings commenced thereunder, except within one year from the loan of the goods, chattels, or security for money sought to be recovered. 35

Appeal from decision of Justice.

7. In case either the complainant or complainants, defendant or defendants in any proceeding under this Act, be dissatisfied with the decision of the Justice of the Peace, he or they shall be at liberty to appeal from such decision within the same time and in the same manner as from a decision of such Justice of the Peace under the said Summary Convictions Act. 40

Witnesses compellable to attend.

8. Witnesses under this Act, may be compelled to attend and give evidence in the manner provided in chapter 102 of the Consolidated Statutes of Canada. 45

Title.

9. This Act may be cited as The Gratuitous Loans Act.

No. 45.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act respecting Gratuitous Loans.

First reading, Nov. 17, 1868.

MR. OLIVER.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

2nd " & referred to Select Com^{tee} 23 " " "
Dropped 23 January 1869

No. 46.]

BILL.

[1868.

An Act to prevent the Setting out of Fires at certain
Seasons of the Year.

WHEREAS great losses of public and private property have
been occasioned by fires in the Province of Ontario, and
it is necessary to prevent the setting out of fire at certain sea-
sons of the year; Therefore, Her Majesty, by and with the
5 advice and consent of the Legislative Assembly, enacts as
follows:

Preamble.

1. It shall not be lawful for any person to set on fire any
lying or standing timber, any brushwood, grass-herbage, or
other vegetable matter in any field, enclosure, common, wood,
10 forest, or open space, at any time in any year between the
fifteenth day of June and the first day of September.

Timber,
brush, etc.,
not to be set
on fire be-
tween 15th
June and 1st
September.

2. Any person who shall wilfully contravene the provisions
of this Act, shall, upon conviction thereof in any Court of com-
petent jurisdiction in this Province, incur a penalty of \$
15 and in default of payment shall be liable to be imprisoned in
the Common Jail for a period of not less than months,
nor more than

Under pen-
alty of \$
and imprison-
ment if not
paid.

3. Nothing in this Act contained shall affect or limit any
remedy now existing at Common Law, or by Statute, in favor
20 of any person suffering loss or damage by fire, against the per-
son by whose act such fire originated.

Not to bar
other remedy.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to prevent the Setting out of Fires
at certain seasons of the year.

First reading Nov. 17, 1868.

Mr. CRAIG, (Russell.)

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

2
37a
No. 47.]

referred to Select Committee 26
19 January 1869
BILL.

[1868.

An Act respecting the Partition and Sale of Real Estate in the Province of Ontario.

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Land and lands in this Act shall mean and include lands, Definition of
5 tenements and hereditaments, and all estates and interests terms used.
therein; petitioner or plaintiff herein shall mean and include
all parties petitioning by virtue of this Act, and all parties, or
made parties to the proceedings under this Act (other than the
plaintiffs or petitioners), shall be defendants.
- 10 2. The Judge of the Surrogate Court in each County in the Judge of Sur
Province of Ontario, shall be the Real Representative for all real rogate Court
property within such County, in respect of, or to which any person to be Real
being seized of, or entitled to any estate in fee simple therein, Representa-
dies intestate, and for all other purposes hereinafter mentioned tive.
- 15 3. Every partition of lands, voluntarily made by the parties Voluntary
thereto, shall be made by deed, otherwise the same shall be partitions
void. only by deed.
4. All joint-tenants, tenants in common and co-partners, all All parties
doweress and parties entitled to dower tenants by the cour- having inter-
20 tesy, mortgagees, or other creditors having liens thereon, and all est or lien
parties whomsoever interested in, to, and out of any lands in shall suffer
Ontario, shall and may be compelled to make, or suffer parti- partition or
tion or sale of said lands, or any part or parts, as hereinafter sale.
mentioned and provided.
- 25 5. When such lands are situate in two or more Counties, the When lands
proceedings shall be carried on in the Court of Queen's Bench in one county
or Common Pleas, or in the Court of Chancery; and when the or in several
lands are situate in one County only, the proceedings may be counties.
carried on in the County Court of such County, or in any of
30 the Superior Courts of law or equity aforesaid.
6. Any party interested in any land in said Province, or the Any party
duly authorized agent of any such party, or the guardian (duly interested
appointed by any Surrogate Court) of any infant entitled to may petition
the immediate possession of any estate therein, can and may, for partition
35 file a petition in any of the Courts aforesaid, praying that par- or sale.
tition of such lands may be made, or that the same be sold
under the directions of the Court wherein the proceedings are
taken, or any Judge thereof, providing such sale be considered
by said Court or Judge more advantageous to the parties in-

After six months from death of Testator, etc.

terested: Provided always that no proceedings shall be taken under this Act, until six months next after the decease of the testator or party dying intestate, in whom the lands, or estate in lands to be so partitioned or sold may be vested.

Entitling of proceedings.

7. All proceedings under this Act shall be intituled in the Court in which the same may happen to be instituted, and shall be further described, "In the matter of partition between A.B. (naming the petitioner, or if more than one, naming all the petitioners in full), plaintiff or plaintiffs, and C.D. (naming each and every then known party or parties having any legal estate in the lands other than the petitioners), as defendants. 5 10

Every party having an interest may be made party.

What petition shall set forth.

8. Every party having, at the time of filing said petition any interest as aforesaid, shall and may be made a party to such partition proceedings, and the petition shall particularly describe the lands sought to be partitioned or sold, and also shall set forth the interest of the petitioner therein, and his, her or their respective place of residence and occupation, and the estate, rights and titles of all parties interested therein in any wise whatsoever, so far as the same may be known to the party or parties petitioning as aforesaid; and in case any one or more of such parties, or the share or extent of interest, or estate in said lands of any party interested, be unknown to said petitioner or petitioners, he, she, or they shall set forth the fact thereof in such petition; and the truth of the petition, and matters contained therein, shall be verified by the oath or affidavit of at least one petitioner, or his, her, or their agent or guardian, as the case may be, such oath to be taken before the Judge of any of said Courts, or a Commissioner for taking affidavits therein. 15 20 25

In case party interested be a minor.

9. In case any of the parties interested, other than a petitioner by guardian be a minor, and in case it be satisfactorily proved to the satisfaction of any Judge of the Court presiding in chambers, that at least fourteen days' notice of an intention to apply to the Court for a rule or order for partition or sale as aforesaid, has been served on such minor or minors as reside in the Province of Ontario, or otherwise served as hereinafter provided, such Judge shall, and may thereupon, whether the said minors, or any of them, reside within or without said Province, service in such case on a minor living without said Province not being necessary in their behalf, appoint a suitable and disinterested person to be guardian for one or more of such minors, for the special purpose of taking charge of the interests of such minors in the proceedings upon such petition. 30 35 40

Guardian to enter into a bond with sureties.

10. Every guardian so appointed shall, before entering upon his duties, execute to the Real Representative of the County wherein the estate, or any part thereof is situate, by his own name of office as Surrogate Judge and Real Representative for the County, and his successors in office, and according to the terms of the rule or order appointing such guardian, a bond in such penalty, and with such sureties as the Court in which the petition has been filed, or any Judge thereof presiding in chambers may direct, and to be allowed by the Master or Clerk, or Deputy-Clerk of such Court, upon proper proof of the sufficiency thereof, on two days' notice for that purpose, conditioned for the faithful discharge of the trust committed to him, her or 45 50 55

them, and to render a just and true account of his, her or their guardianship when required by the Court or any Judge thereof, and upon such further conditions as the said Court or Judge may direct; and no proceedings shall be taken upon the petition until such bond shall have been filed in the office of the Clerk or Deputy-Clerk of the Crown, Clerk of the County Court, or Registrar or Deputy-Registrar of the Court of Chancery, as the case may be, wherein the petition has been filed.

11. After the execution and filing of such bond, such guardian or guardians shall represent said minors in the proceedings upon the said petition, and his or their acts in relation thereto shall be binding on such minor or minors, and shall be as valid as if done by such minor or minors, after having arrived at full age.

And then represent the minors.

12. It shall not be compulsory, in the first instance, to make any creditor, having a lien on the estate, or any part thereof, by judgment, decree, mortgage or otherwise, a party to the proceedings; but the petitioner may make such creditor a party, and in such case, the petition shall set forth the nature of the lien or incumbrance; and if such lien or incumbrance is on the undivided interest or estate of any of the parties to the petition, it shall be a lien only on the share of such party, and such share or estate, as the case may be, shall be first charged with its just proportion of the costs of the proceedings in partition in preference to any such lien.

Incumbrances may be made, Parties after proceedings commenced

13. In cases where all the parties interested, or known to be interested in the estate, respecting which the proceedings are taken under this Act, are residents, or happen, for the time being, to be in the Province of Ontario, a copy of the petition, with notice that the same will be presented to the Court wherein the proceedings are taken, or any Judge thereof presiding in chambers, on some day and hour to be named therein, shall be personally served thirty clear days previous to the said day of presenting same, as aforesaid, on all the parties, whether minors or not, resident, or being as aforesaid in the said Province, who are interested in the lands and estate in question, or on any duly authorized agent or attorney of any of the parties interested in such estate, and every such notice shall be addressed to all the parties interested who are known, and generally to all others unknown, having or claiming any interest in such estate, or whom it may concern; providing always that it shall not be necessary to serve such petition or notice upon any guardian appointed as aforesaid, if the same have previously been served upon the minor or minors for whom such guardian or guardians shall be appointed.

Serving copy of petition when all parties are in Ontario.

14. If any parties having such interest be unknown, or if known, reside out of the Province of Ontario, or cannot be found therein, and have no known attorney or agent residing therein, the petition and notice may be served upon them, or any of them, by publication of a copy of said petition, and notice for two calendar months previous to the presentation of said petition as aforesaid, once in each week successively in the *Ontario Gazette*, and in one or more papers published in the County where the estate, or any part thereof in Ontario may be situate, and if there be none there, in some newspaper pub-

When parties unknown, reside abroad or cannot be served.

lished in the nearest adjoining County to such estate wherein a newspaper may then be published, which publication, upon proof thereof by affidavit, shall to all intents and purposes be equivalent to personal service upon all or any such unknown or absent parties; or such petition and notice may, if residing in the Dominion of Canada, or such of the United States next adjoining said Dominion, be personally served, without such publication, on any known absent party or parties, or upon his, her or their attorney or attorneys, agent or agents, if he, she or they has or have any residing in Ontario, thirty clear days previous to the presentation thereof, and the reasonable costs of serving such absent parties shall be taxable as costs of the proceedings.

Application
for partition
and order.

15. Upon the presentation of a Petition and upon such proof of service or publication thereof with the notice as aforesaid, and of the facts justifying the mode of publication as may be satisfactory, the Court or any Judge thereof presiding in Chambers shall and may by rule or order allow said petition, and thereupon the parties interested in the estate shall and may appear in person or by Attorney or Solicitor, and by a concise statement of facts under oath, by way of plea or answer, and further, according to the practise of the Court in which the petition may have been filed, show title to the proportions which they or any of them claim of the premises set forth in the petition, within fifteen days next after being served with a copy of the said rule or order, with a notice to be endorsed thereon requiring them to plead or answer within the time above specified.

16. Notice of the rule or order of allowance and any copies thereof, and all other rules, orders or copies, notices or other paper writings in any proceeding subsequent to the service of the petition, unless otherwise in this Act specially directed, may be served on the Attorney of any party so pleading or answering, and by affixing the same in the office of the Clerk or Deputy Clerk of the Crown, County Court Clerk or Registrar or Deputy Registrar of the Court of Chancery, as the case may be, in the county wherein the estate or any part is situate, as the case may be, which shall be equivalent to and effectual as personal service on the party or parties to be affected thereby.

Parties may
plead, etc.

17. Any party appearing may plead or answer under oath, either separately or jointly, with one or more of his co-defendants that the petitioners, or any of them, at the time of prosecuting the petition, were not entitled to or in possession of the premises or any part thereof, or that the defendants or any of them had no interest in the premises or did not hold the same, together with the petitioners at the time of the commencement of the proceedings as alleged in the petition, or such other matter as such person shall desire to plead or answer according to the true facts, and at the expiration of the fifteen days allowed for pleading or answering the petitioner or petitioners may, upon a verified copy of the petitions and of all pleadings that may have been filed as aforesaid, and upon such statement or affidavit as may be necessary apply to the Court or a Judge in Chambers to finally determine any issues or questions raised by any party or parties interested, or for a rule or order direct-

ing the trial of any issues of fact that may have been raised by the pleadings, or that a special case may be stated for the opinion of the Court in which the petition shall have been filed, or both for the trial of an issue of fact or law or for any other rule or order that the Court or a Judge may think proper under the circumstances.

18. All issues so joined and ordered to be tried by the Court or a Jury shall be tried by such Court or Jury in the manner as other issues are determined on a record made up of the said petition, and of the defence pleaded thereto, and the like proceedings shall be had thereupon in every respect as to new trial or amendments, and any other particulars as in personal actions, and any special case so ordered as aforesaid may be made up and proceeded upon, inclusive of signing judgment thereon in like manner as the law directs for the practise as to special cases. Issues thereon to be tried

19. If none of the parties shall plead or answer for the period of fifteen days next after the service as aforesaid of the rule or order of allowance of said petition, the said petitioner shall and may be at liberty to sign judgment of partition and thereupon and upon giving and serving fifteen days written notice thereof in manner hereinbefore provided, and upon exhibiting the evidence and proofs in the next section of this Act mentioned, shall and may apply to the Court or Judge for and obtain the rule or order and proceed as in the next and following sections provided. In default of plea, order, etc.

20. The petitioners shall, whether or not the other parties who have been called upon to appear and plead or answer, shall have appeared and pleaded or answered, exhibit *prima facie* proof of their title at the time of application for the order or rule for partition, or if an issue in fact has been ordered or a special case stated, as aforesaid, then upon the final determination of the questions of law or fact, if any, so ordered to be tried as aforesaid, or in any or either of the cases aforesaid the Court or a Judge shall by rule or order determine and declare the rights, title and interests of all the parties concerned and thereby order the Real Representative to proceed as hereinafter directed according to such rights, but not so as to affect any parties whose rights have not been ascertained. Petition to prove title.

21. The said Court or Judge shall by such rule or order, as in the last section mentioned, direct the Real Representative to make the partition so adjudged according to the respective rights and interests of the parties as the same have been ascertained and determined as aforesaid, and in such rule or order the Court or the Judge shall designate the parts or shares which remain undivided for the owners whose interests may be unknown and not ascertained, and the Real Representative shall forthwith proceed to make such partition, according to the judgment of the Court or Judge, unless it appears to him that partition cannot be made without prejudice to the owners of the estate, in which case he shall make a return of such fact to the Court in writing under his hand. Order on Real Representative to make the partition.

22. In making partition the Real Representative shall divide How it shall be made

the real estate and allot the several portions and shares thereof to the respective parties as adjudged as aforesaid, designating the several shares by posts, stones or other permanent monuments, and he may employ a Surveyor to assist him therein, and he shall make or cause to be made a true and accurate plan or map and field book of the land and shall describe particularly the metes and bounds of the same, and he shall return to the Court or Judge having cognizance of the proceedings, the plan or map, field book and description, and shall report to the Court or Judge in writing the manner in which he has divided the estate, and the share allotted to each party, with the quantity, courses and distances of the boundaries of each share, and a description of the posts, stones or other monuments, together with an account of his fees, which fees together with any charges for Surveyors shall be ascertained and allowed by the Court or Judge, and the amount shall be paid by the petitioners, and shall be allowed to them as part of the costs to be taxed against the estate.

and reported
and returned.

Report prov-
ed, etc.

And after
confirmed, to
be registered.

23. The said report shall be proved by affidavit before a Commissioner for taking affidavits, and shall be filed in the said Court and a copy thereof after the report is confirmed by the Court, and certified under the hand of the Clerk and seal of the said Court shall be registered in the County Register on the production thereof to the Registrar of the County where the estate is situate.

Report to be
confirmed, or
may be re-
mitted for
amendment,

Confirmation
binding on all
parties.

24. Upon the return of the report, the Court or a Judge in chambers shall confirm the same, or may remit the same back to the Real Representative for amendment in any particular or particulars in which there is manifest error, and upon a final confirmation, a Judge's order may be granted and obtained, confirming in due form the said report, and such order shall be binding and conclusive on all known parties named in the petition, and when publication as aforesaid has been made, then also upon all unknown and absent parties, and all persons claiming from or through them; but such judgment shall not affect any person having claims as tenants, tenants in dower, or by the courtesy, or for life to the premises which form the subject of such partition, nor any person not named in the petition either originally or by amendment, nor any unknown person when there has not been such publication as aforesaid.

Sale if parti-
tion prejudi-
cial.

25. Upon the report of the Real Representative that it appears to him that partition cannot be made without prejudice to the owners of, or parties interested in the estate, the Court or a Judge in Chambers may order a sale of the estate, if deemed prudent so to do; and by a rule or order to be made on filing the said report, may direct and order the Real Representative to cause the said estate, or any part thereof, to be sold by a fit and proper duly licensed auctioneer (to be approved of by said Real Representative) at public auction to the highest bidder, reserving to the Real Representative power from time to time to adjourn the sale, if in his judgment an adequate price is not bid for the estate, or any part thereof; and in such rule or order, the Court or Judge shall direct the terms of payment of the purchase money and credit which may be allowed for any portions thereof, and of which such Court or Judge may think proper to direct the investment, and as are required

by the provisions hereinafter contained, to be invested for the benefit of any unknown owners, infants, parties out of the Province, or any tenants for life in dower, or by courtesy or otherwise, and such portions of the purchase money, for which credit is allowed, shall be secured at interest by a mortgage of the premises sold by a bond of the purchaser, and by such other security as the Court or Judge aforesaid may prescribe in said rule, or order or direct.

26. The Real Representative may take separate mortgages
 10 or other securities for such convenient shares or portions of the purchase money, as have been directed to be invested as aforesaid in his own name of office as Surrogate Judge and Real Representative for the County, and his successors in office and assigns, and for such shares as any known owner or party interested of full age in the name of such owner, and upon such
 15 sale being confirmed, the Real Representative shall deliver such mortgage to the Clerk of the Court or Registrar, as the case may be, or deliver or assign the same to the known owner of the full age of twenty-one years, or his, her or their guardian
 20 or guardians, whose shares have been ascertained and so invested.
- Mortgages
taken on sale.

27. Before making any order for sale where any creditors
 have specific liens on the whole estate, or any undivided interest, or estate therein of any of the parties by mortgage, judgment or
 25 otherwise, the Court or Judge in Chambers shall direct the Clerk, Deputy-Clerk of the Crown, Master or Clerk of the Court, as the case may be, to ascertain and report whether the shares or interests in the premises of the parties in the suit, or any of them, are subject to any, and what general lien or incumbrance
 30 by mortgage, judgment or decree, and such Clerk, Deputy-Clerk of the Crown, Master or Clerk of the Court, shall forthwith cause a notice to be published once in each week for three weeks, in some paper published in the County or Counties, if there be one, where the lands are situate, or if none published
 35 therein, then in a paper published in the nearest County thereto, requiring all parties having any lien or incumbrances as aforesaid, on the whole or any part of the estate, to produce to the said Clerk, Deputy-Clerk of the Crown, Master or Clerk of the Court, as the case may be, on or before a certain day, to be
 40 named in such notice, full particulars of all such liens and incumbrances, together with satisfactory evidence of the amount due thereon; and the Clerk, Deputy-Clerk of the Crown, Master or Clerk of the Court, shall immediately thereafter report to the Court or Judge the names of the creditors, the nature and
 45 extent of the incumbrance, the date thereof, and the several amounts appearing to be due thereon, and thereupon the Court or Judge, in the rule or order directing the Real Representative to partition or sell the lands, shall also make reference to such liens and incumbrances, and define the same; and the said Real
 50 Representative shall, in making such partition, be governed accordingly, and in any rule or order directing the sale of the said lands, or any part thereof, the Court or Judge shall and may authorize and direct the Real Representative to pay, satisfy and discharge the amounts of such liens or incumbrances
 55 so ascertained, with any accrued interest thereon, up to the time of payment thereof, after deducting therefrom the portion of costs, charges and expenses to which the same may be liable.
- Provision for
creditors, etc.

Creditors,
etc., may ap-
ply for pay-
ment from
purchase
money.

28. Any party entitled as Creditor or eotherwise to a shar
of the estate, may apply to the Court or a Judge thereof, to order
the part of the purchase money which he claims to be paid to
him, on affidavit showing the amount truly due on each incum- 5
brance (if any), the owner of such incumbrance and his resi-
dence, as far as known to such party, and also on proof of the
due service of a notice on the petitioners and parties to the
proceedings, and on each other incumbrancer or on their Attor-
neys or Agents of the intention to make the application at least
fifteen days previous thereto, such service in any case where 10
not made on the Attorney or Agent to be personal or on a
grown up person at his, her or their usual or last known place
of abode, if residing in this Province, and if residing out of this
Province sixty days previous thereto or by previously pub-
lishing the notice once a week for two calendar months in any 15
weekly paper published in the County or Counties where the
estate is situate.

Real Repre-
sentation
may pay cre-
ditors by
order, etc.

29. The Real Representative shall and may, upon due proofs
of identity, and upon the amounts thereof being ascertained
and proved as aforesaid, upon the order of the Court or Judge 20
in that behalf granted, pay each judgment creditor from and
out of the purchase money, the amount of his, her or their
claim, according to the priority thereof respectively, and shall
cause the same to be duly discharged of record, first, defraying
and deducting the expenses and costs out of the moneys pay- 25
able on the share or shares which were so incumbered, but the
proceedings to ascertain the amount of such incumbrances shall
not affect or delay the paying over or investing of money to or
for any party upon whose estate in the premises there does not
appear to be any existing incumbrance. 30

As to dower
and ten-
ant by the
courtesy.

30. Whenever the estate of any tenant in dower or of any ten-
ant by the courtesy or for life to the whole or to any part of
the estate has been admitted by the parties or ascertained by
the Court or Judge to be existing at the time of the order for
such sale, and the person entitled to such estate has been made a 35
party to the proceedings, the Court or Judge shall first deter-
mine whether such estate ought to be exempted from the sale
or whether the same should be sold, and in making such deter-
mination regard shall be had to the interests of all the parties-
and if a sale be ordered, including such estate, all the estate and 40
interest of every such tenant shall pass thereby, and no con-
veyance or release to the purchaser shall be required from such
tenant and the said purchaser, his heirs and assigns shall hold
such premises freed and discharged from all claims by virtue of the
estate or interest of any such tenant, whether the same be to 45
any undivided share or to the whole or any part of the premises
sold, and the Court or Judge shall direct the payment of such
sum in gross out of the purchase money to the person entitled
to such dower or estate by courtesy or for life as may be deemed
upon the principles applicable to life annuities a reasonable 50
satisfaction for such estate.

When mar-
ried woman a
party.

31. When any married woman is a party to such proceed-
ings as petitioner the petition shall be by her and her husband,
and in other cases the service or notice of such petition shall be
upon her and her husband, and the judgment or decree shall be 55
binding in such case upon her and her husband, and all claim-

ing through her or them, and if her claim be an inchoate right of dower then in case of sale the Court shall determine the value of such right according to the principles applicable to deferred annuities and survivorships, and shall order the amount of such value to be paid to her and her husband, the payment thereof to her or them as aforesaid shall be a valid and effectual bar to any right or claim of dower.

32. The "Real Representative" shall give notice of any sale to be made by him for the same time and in the same manner as is required by law on sales of real estate by Sheriffs on execution, and the terms of such sale shall be set out in such notice and made known at the time of the sale and after the completion thereof he shall report the same in writing to the court with a description of the different parcels of land sold to each purchaser and the price, at which the same hath been sold, and at the expiration of fifteen days next after said sale and the due filing such report, the sales may be approved and confirmed by the Court or a Judge thereof, and an order shall be made directing the Real Representative to execute deeds pursuant to such sales and such deeds so executed shall be recorded in the County where the lands lie in the same manner as other deeds, and shall be a bar both in law and equity against all known parties interested in the premises and against all unknown parties where notice was published as aforesaid and against all persons claiming under or through them, and also against all incumbrances where the notice hereinbefore mentioned has been given to them, in manner and form aforesaid.

Notice of sale
the same as
on Sheriffs'
sale.

33. The proceeds of such sale after deducting all costs, shall be divided among the parties whose rights and interests have been sold in proportion to their respective rights in the premises, and the shares of such as are of full age shall be paid to them by the Real Representative, and in the case of infants, unknown or absent parties, shall be invested for them in the name of the Real Representative, and his successors in office until law fully claimed by them or their legal representatives, and the Real Representative may in his discretion require all or any of the parties before they receive any share of the moneys arising from such sale to give security to his satisfaction to refund the said shares with interest thereon in case it should thereafter appear that such party was not entitled thereto.

Application
of proceeds.

34. All securities shall be taken in the name of the Real Representative in his own name of office as Surrogate Judge and Real Representative for such County, and his successors in office, except when directed to be taken in the name of any known party, and shall be delivered to and kept by the Real Representative who shall receive the interest and principal thereon, and shall apply or invest the same as the Court or a Judge thereof may direct, and shall in the month of January, in each year, render to the Court an account in writing under oath of all moneys received by him, and of the application thereof.

How securities
taken.

35. All investments of moneys, received from any sales under the said recited Act, shall be made in Dominion stock, stock of any bank chartered in Canada, or on mortgage of real estate in the Province of Ontario.

How moneys
invested.

Apportionment of the costs.

36. The Court or a Judge in Chambers shall apportion the costs of the proceedings on the petition, according to the respective shares and interests of the parties known or unknown, and shall direct the same to be paid to the petitioners; and such order shall operate as a judgment for such costs, and on a copy thereof being filed in the County Registry Office where the lands lie, shall be a charge for such proportion against the shares representing such proportion, and execution may issue thereon as in ordinary cases of costs, and such share or interest may be sold thereon, and a valid title on such sale be given to the purchaser thereof, as in the cases of sales by Sheriffs in execution; and if judgment be rendered against the petitioners for any cause, the Court or Judge aforesaid shall adjudge costs against them, to be recovered as in cases of personal actions.

Proceeds removable from county court to superior court.

37. The proceedings upon petition, if commenced in a County Court, may at any time, before judgment, be removed into either of the Superior Courts of law or equity by *certiorari*, to be allowed by any Judge of such Court, on security being given by the party applying for the *certiorari* for the costs of the proceedings on petition to the satisfaction of such Judge, and upon any final judgment, decree or order, an appeal may be had by any of the parties interested, in the same manner, and with the same consequences, as in other cases of appeal from the decision of any Court rendering such judgment, decree or order.

When the interests are equitable fee simple.

38. When the interests in such estate are equitable fees simple, the Court of Chancery alone shall have the same powers, upon petition or bill filed in that Court, to act thereupon, as are hereby given to the Courts of law and equity in other cases, and the same notices shall be given, served, published, and verified, guardians of minors appointed, and the same rules apply as to parties, and the like proceedings be had as hereinbefore directed.

Prior investments declared valid.

39. And it is hereby further enacted as aforesaid that all investments, at the time of the passing of this Act, made on Mortgage of real estate, and all acts and proceedings thereof done and performed, by virtue of said Act by any Real Representative shall be and the same is hereby declared valid and effectual, and the successor in office or any of them of any deceased or other Real Representative, or any Real Representative for the time being, shall be and are hereby duly empowered upon payment having been made to any predecessor or himself in full of any sum or sums of money secured by mortgage, as aforesaid, by virtue of this or any former partition Act, to any predecessor or deceased predecessor in his lifetime, or to any successor or successors in office as such Surrogate Judge and Real Representative, or to himself to execute and grant all necessary releases and discharges of the same in manner and form provided by the Registry Act, and the Judge or Junior Judge of the County Court for the time being shall in case of the decease or absence of the proper Surrogate Judge be and he is hereby vested for the time being with all the functions, powers and authorities for the County, of the party appointed hereby the Real Representative, and perform the duties thereof till the appointment of or return of the Surrogate Judge.

Power of

40. And it is hereby further enacted that a Judge in Cham- 55

bers shall have equal power and jurisdiction with the full Court Judge in chambers.
in all proceedings under the said Act as fully as if specially named therein, except where the word "Court" is in this Act used alone.

- 5 41. All affidavits, rules, orders, reports and all other papers and documents which may be filed with any Deputy Clerk of the Crown, Deputy Registrar in Chancery during the progress of any proceeding under the said Act, or this Act shall be by him immediately thereafter handed over to the
10 Clerk of the Crown or Registrar in Chancery of the Court in which the petition has been filed, as the case may be, to be preserved and safely kept as muniments of title.

When affidavits, etc., to be deposited, etc.

42. In the month of January in each year the Real Representative, the Registrar in Chancery, and Clerk of the Crown or
15 Officer of any Court having in any case the custody of any moneys, bonds, mortgages, securities or investments, arising from sales of such estates for the benefit of any unknown, absent, infant, or lunatic parties, where no claim has been made on their behalf for any interest or principal of such investments during
20 the preceding year, shall cause to be published in the *Ontario Gazette* and any weekly or daily paper published in the county in which the lands or any part thereof may be situate, or if no such paper published therein then in the daily or weekly paper published in the next adjoining or nearest county where such
25 paper may be published weekly for the period of four weeks, a statement of the securities or investments remaining unclaimed, showing the name of the intestate party, the amount unclaimed, and the property from which the claim has arisen, and such statement shall be verified by the Real Representative, Clerk,
30 Registrar or other officer aforesaid under oath, and a copy thereof be filed among the Records of the Court.

An account of unclaimed monies to be published yearly.

43. In all cases of partition and sale of estates of joint tenants, tenants in common and co-parceners, the Court of Chancery shall also possess the same jurisdiction as by the laws of
35 England, on the tenth of August, one thousand eight hundred and fifty, were possessed by the Court of Chancery in England.

Power of court of chancery.

44. Any partition or sale made by the Court of Chancery shall be as effectual for the apportioning or conveying away of the estate or interest of any married woman, infant or lunatic,
40 party to the proceedings by which the sale or partition has been made or declared, as of any person competent to act for himself, and an office copy of any decree, order or report for a partition or sale shall be sufficient evidence in all Courts of the partition declared thereby, and of the several holdings by the parties of
45 the shares allotted to them.

When Acts shall be effectual, etc.

45. The Judges of the Superior Courts of Law and the Court of Chancery respectively shall make such tariff of fees, rules and orders for the proceedings on petitions at law and in equity as they shall deem expedient and advisable.

Rules and orders may be made.

- 50 46. This Act to come into force and be effective immediately after the passing hereof.

Commencement.

47. Chap. eighty-six of the Consolidated Statutes of Repeal Upper Canada entitled an Act respecting the Partition and sale of Real Estate is hereby repealed.

An Act respecting the Partition of Real Estate in Ontario.

MR. COYNE.

PRINTED BY HUNTER, ROSE & Co.

No. 48.]

BILL.

[1868.

An Act to amend Chapter Twelve of the Statutes of Ontario, intituled "An Act for the better protection of Game in the Province of Ontario."

HER MAJESTY, by and with the advice and consent of the Preamble.
Legislative Assembly, enacts as follows:—

1. In clause number three of said Act the words "or Hare" Sec. 3, c. 12,
are hereby struck out and a new clause inserted in lieu thereof, 31 Vic. re-
pealed.
5 to the following effect:—

"No Hare shall be hunted, taken or killed, between the first day of March and the first day of September in any year." No hare kill-
ed from 1st
March to 1st
September.

2. In clause number five the words "first day of September" Sec. 5 amend-
are hereby struck out, and "twelfth day of August" inserted ed.
10 instead thereof.

The following

No. 48.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend Chapter Twelve of the Statutes of Ontario, intituled "An Act for the better protection of Game in the Province of Ontario."

First reading, Nov. 17, 1868.

MR. GRAHAME, (York).

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

Dropped 23rd January 1869

No. 49.]

BILL.

[1868.

To consolidate and amend the various Acts of the Parliament of Canada, relating to the Cobourg, Peterborough and Marmora Railway and Mining Company.

WHEREAS the Cobourg and Peterborough Railway Company, and the Marmora Iron Company, have consummated a union under the authority of the Act of the Parliament of Canada, passed in the 29th and 30th years of the reign of Her Majesty Queen Victoria, and the said united companies are now incorporated by the name of "the Cobourg, Peterborough and Marmora Railway and Mining Company." And whereas it is expedient and necessary that the several Acts of the said Parliament of Canada, relating to the said companies, should be consolidated and amended: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Be it enacted that the several clauses hereinafter contained shall be deemed, and taken to have been the authority under which the said Companies respectively, while they were separate, and conjointly when they became so united, have constructed their works, and the same clauses and this Act shall in future be deemed to be the Incorporation Act of the said united Company, and shall be quoted and referred to in all Courts of Law and Equity as "The Consolidation Act of the Cobourg, Peterborough and Marmora Railway and Mining Company."

2. And be it enacted that the 1st, 2nd, 3rd and 4th clauses of "The Railway Act," and also the several clauses of the said Act with respect to Interpretation, Incorporation, Powers, Plans and Surveys, Lands and their Valuations, Highways and Bridges, Fences, Tolls, General Meetings, Directors, their election and duties, Calls, Municipalities, Shareholders, Actions for Indemnity, and Fines and Penalties, and their prosecution, working of the Railway, and general provisions for all Railways, shall be incorporated with this Act, excepting in so far as express provision may be by this Act otherwise made.

3. And be it enacted that the said Company, and their servants or agents shall have, and have had full power under this Act, to lay out, construct, make and finish, a double or single Iron Railway, at their own costs and charges, on and over any part of the country, and across Rice Lake, lying between the towns of Cobourg and Peterborough to Peterborough, and the waters lying northward of said town, and were and are authorized to form and run branch lines of Railway connecting with

Preamble.

Certain clauses of 14, 15 Vic., Chap. 51, incorporated with this Act.

What lines of Railway the Company may construct.

any part of their Railway, or with their water route on Rice Lake or the River Trent, into any point or points in the townships of Marmora, Belmont, Lake Madoc, Elzevir, Methuen, Douro, Dummer, Ontonabee, Hamilton and Smith, or any or either of them, and also to connect the Marmora Works, in the 5 township of Marmora, and the ore beds of Belmont by line of Railway, either to the southward or northward of the Rice Lake and River Trent, with their main line of Railway between Cobourg and Ashburnham, and also to cross the River Trent with the same object to and under, and in accordance 10 with all the clauses applicable to all and every of such works in the "Railway Act," which are incorporated herewith.

4. The said Company are authorized to hold all the real estate and assets acquired under, or pursuant to the deed of amalgamation of the said Company, which was duly registered 15 in the Registry Offices of West Northumberland and Hastings on the 23rd day of February, A.D. 1867 (and which said deed is set forth in Schedule C of this Act, and is incorporated herewith), and also generally all other real estate and chattels duly conveyed, or to be conveyed to them by any person or corpora- 20 tion whatsoever, and to purchase, acquire and hold all necessary locomotives, rolling stock, matters and things which may be required to work their railways to Peterborough and Marmora, or other branches or extensions which they may be authorized to construct and complete, and may build, purchase, acquire, 25 charter or hold one or more vessels, to be propelled by steam or other power, with all such necessary scow-boats and barges as may be required to be used and employed on the waters of Rice Lake or Crow Lake, and the River Trent and the River Otonabee by the said Company for the purposes, and in accord- 30 ance with the objects and undertakings referred to in this Act.

5. The said deed of amalgamation, so registered as aforesaid shall be valid and binding to all intents and purposes.

6. The Cobourg, Peterborough and Marmora Railway and Mining Company are authorized to acquire real estate, and to 35 mine for ores, minerals, marbles, and any other valuable substances, and smelt such ores and mineral substances, and carry the same, and every other description of freight, to market, and to sell and convey, and demise and let their real and personal estate, or any part or parts thereof, to any person or persons, on 40 such terms as to prices, rents, royalties or other returns, as the said Company shall deem meet.

Capital
Stock.

7. The Capital Stock of the said Company shall be \$729,100 to be divided into 18,227 shares of forty dollars each, of which sum \$600,000, subscribed under the said Deed, shall be Prefer- 45 red Stock, and the remainder Deferred Stock, which Deferred Stock shall not be entitled to rank on the profits of the Company, until after eight per centum per annum shall have been paid on the Preferred Stock, and then only *pari passu* with the Preferred Stock for any residue of profit, provided always that it shall be 50 optional with the Deferred Shareholders and with the Company to sell or purchase, or transfer, or change the said Deferred Stock or any share or shares thereof, in Preferred Stock, on such terms as may be agreed upon, and provided further, that it shall be optional with the Company to increase the amount 55

of their Capital Stock, either by new subscriptions thereto, or by *pro rata* increase of the present stock in accordance with the provisions of the said Deed of Amalgamation.

8. That the said Company may become parties to Promissory Notes and Bills of Exchange for sums of not less than one hundred dollars, and any such Promissory Notes made and endorsed, and any such Bill of Exchange drawn or accepted, or endorsed by the President of the Company, or Vice President, or Managing Director, and countersigned by the Secretary or Treasurer, under the authority of the Directors, shall be binding upon the said Company, and every such Promissory Note or Bill of Exchange so made, drawn, accepted, or endorsed, either before or after the passing of this Act, shall be presumed to have been properly made, drawn or endorsed, as the case may be, until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to any such Bill of Exchange or Promissory Note; nor shall the President, Vice President, Managing Director Secretary or Treasurer of the Company, so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange be thereby subject individually to any liability whatever: Provided always that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer, or any Promissory note intended to be circulated as money or as bank notes.

Company may become parties to Promissory Notes and issue Bonds.

9. The Company may enter into contracts for filling in Rice Lake Bridge, and putting the Railway and Bridges into an efficient state of repair, or for extending the Railway and for the purchase of Rolling Stock, and they may issue debentures and negotiate the same, or pay them to the contractors or others employed; such debentures shall not be for a less sum than two hundred dollars respectively, and shall be payable at such time or times and on such terms as the Directors shall see fit, the whole amount to be issued shall not exceed four hundred thousand dollars at any one time, and security may be given by mortgage or otherwise over the Railway or Rolling Stock, or both, to secure such debentures, and the company may, from time to time, make a lease or leases of the said Railway and of the Rolling Stock.

Debentures may be issued for completing the Road.

10. The sum of one hundred thousand dollars which has been declared to be the value of the said Railway, part of which sum has already been paid in pursuance of the Statute, and the remainder of which is required to be paid into the Court of Chancery, on or before the 18th September, 1869, with interest to the said date, shall be distributed by the said court in the proportions and according to the *priori teis* following, that is to say, towards payment of the bond-holders rateably the sum of twenty-five thousand dollars out of the first payment made, and forty-five thousand dollars out of the second payment so to be made, and the residue of the moneys to be paid rateably to the parties claiming for unpaid right of way, and depot grounds and other registered incumbrances prior to the mortgage made by the Cobourg and Peterborough Railway Company on their Railway to Messrs. Proudfoot and Ridout as Trustees, which was duly registered in the counties of Northumberland. Provided always, that if the amount due for unpaid right of way and

One hundred thousand dollars paid the Court of Chancery, when and how to be dealt with.

other registered encumbrances, prior to the said mortgage, shall exceed the sum of thirty thousand dollars, the excess shall be recoverable against the said company after the expiration of the said period, but all other claims and demands whatever against the said company are declared to be finally extinguished, and provided further, that if such amount shall be less than the said \$30,000, the sum unclaimed shall be paid back to the company. 5

Form of deed prescribed.

11. And be it enacted that deeds and conveyances under this Act for lands to be conveyed to the said company shall and may, as far as the title to the said lands, or the circumstances of the party making such conveyances will admit be made in the form given in the Schedule to this Act marked A; and all Registrars are hereby required to enter in their Registry Books such deeds, on the production thereof and proof of execution, and to minute every such entry on the said deed, and the said company are to pay to the said Registrar for so doing the sum of two shillings and six pence and no more. 10 15

Annual general meeting, election of Directors, etc., notice thereof.

12. And be it enacted that on the third Wednesday in July in each year after 1868, at Cobourg, at the office of the company there shall be chosen by the Shareholders, nine Directors, in the manner hereinafter declared, and public notice of such annual election shall be published fifteen days before the election in a Cobourg newspaper, and all elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be the Directors; and if it shall happen that two or more shall have an equal number of votes the Shareholders shall determine the election by another or other votes until a choice is made; and if a vacancy shall at any time happen among the Directors by death or resignation, such vacancy shall be filled for the remainder of the year by a majority of the Directors; and that the said nine Directors, with the heads of any Municipalities qualified to be represented, *ex-officio*, shall form the Board of Directors. And at any meeting of Directors any one or more of them may vote by proxy in the same manner as Shareholders may vote at the annual meeting for the election of Directors, using as near as may be, the same forms for that purpose. 20 25 30 35

Quorum of Directors.

13. And be it enacted, that Five Directors shall form a quorum for the transaction of business, provided that the Directors may employ one or more of their number as Managing Director or Directors, and all financial and other statements which are required to be made annually, shall be made up to the 31st December, of each year. 40

Qualification of Directors.

14. And be it enacted, that the persons qualified to be Directors of the said Company under this Act, shall be any Shareholders, holding stock to the amount of One Thousand Dollars, who shall have paid up all calls on such stock. 45

Proportion of votes to shares.

15. And be it enacted, that each Shareholder in his own right, shall be entitled to the number of votes in proportion to the number of shares which he shall have in his own name, two weeks prior to the time of voting. 50

Company may unite with other

16. And be it enacted, that it shall be lawful for the Directors (if authorized by any general meeting of the Shareholders

to be called for the purpose) to enter into, and make arrangements with the Directors of any Railway Company, now or hereafter to be Chartered in any part of this Province for the union, junction and amalgamation of the said Company with any other Railway Company, or for the purchase of the Railway of such other Company by mutual agreement with such Company; and the Capital Stock of any Companies so united, may become the Capital Stock of the Company formed by their Union.

10 **17.** And be it enacted, that it shall be lawful for the said Company to take and appropriate for the use of the said Railway, so much of the land covered with the waters of the Otonabee River and Rice Lake, or of any other Lake, and of any stream, or of their respective beds as may be found necessary for making, completing, or more completely using the same, and thereon to erect any wharves, quays, inclined planes, cranes and other works, as to the Company shall seem meet.

18. Provided always, and be it enacted, that the said Company shall have full power and authority to take, without the consent of the owner, but subject to the provisions of the said Railway clauses Consolidation Act, such quantity or extent of land for their depot and other works, at the Town of Cobourg, as they may find requisite for the same, not exceeding ten acres, and such quantity or extent of land not exceeding ten acres, as they may find requisite for any depot and works which they construct at Rice Lake, at the Town of Peterborough, or in the Township of Otonabee, within one mile from the said Town, and such lands as they may require for the purpose of constructing sidings for the accommodation of any mill or mills erected near their line of Railway, any limitation in the tenth section of the said Act, headed "plans and survey" to the contrary, notwithstanding, and the limitation in the said section of the quantity of land to be so taken, shall apply only to lands taken by the said Company, at places other than those above mentioned.

19. Shares in the undertaking may be represented by scrip in the form of Schedule B, which shares may be sold and transferred by delivery of the scrip, which must be returned to the Secretary of the Company for cancellation, whose duty it shall be to issue new scrip to the purchaser, and also to the original holder, for the balance of any stock unsold by him, which said transfer shall be minuted in a book kept for that purpose.

20. The stock of the Company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, nor after such shares have been declared forfeited for the non-payment of calls thereon.

21. Any Municipal Corporation may in addition to the power to subscribe for shares in the capital stock of the Company, as provided for in the 75th section of the "Railway Act," give any stocks, bonuses, debentures, or money in aid of the undertaking, such aid having been first duly submitted to and approved of by the rate-payers in the same manner as is required in subscribing for stock.

22. On, from and after the passing of this Act, all the enactments, Acts and parts of Acts of the late Parliament of Canada relating to and in any way affecting the said Company, shall stand and be repealed, save only that such repeal shall not revive any Act or provision of law repealed by them, nor shall such repeal prevent the effect of any saving clause in any such Act so repealed, or the application of any such Acts or parts of Acts to sanction any matter or thing anterior to the passing of this Act to which they could otherwise apply. 5

23. This shall be deemed a Public Act. 10

SCHEDULE A.

KNOW ALL MEN BY THESE PRESENTS, that I of do hereby, in consideration of paid to me by the Cobourg, Peterboro' and Marmora Railway and Mining Company, the receipt whereof is hereby acknowledged; grant, bargain, sell, convey and confirm unto the said Cobourg, Peterboro' and Marmora Railway and Mining Company, their successors and assigns forever, all that certain parcel or tract of land, situate, the same having been selected and laid out by the said Company for the purpose of their Railway, to have and to hold the said land and premises, together with the hereditaments and appurtenances thereto belonging, to the said Cobourg, Peterborough and Marmora Railway and Mining Company, their successors and assigns forever.

Witness my hand and seal this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of

SCHEDULE B.

Canada.

Number.	Shares.
The Cobourg, Peterborough and Marmora Railway and Mining Company, incorporated by Act of Parliament.	

THIS IS TO CERTIFY that entitled to of forty dollars each in the Capital Stock of the Cobourg, Peterborough and Marmora Railway and Mining Company, transferable only on the books of the Company, in person or by Attorney, on surrender of this certificate.

Witness the seal of the Company and the signature of the Secretary, at Cobourg.

Cobourg, Ontario, this day of A.D. 1868.

SCHEDULE C.

Deed of Amalgamation.

THIS INDENTURE, made the 28th day of December, A.D. 1866 between the Cobourg and Peterborough Railway Company of the one part, and the Marmora Iron Company of the other part.

Whereas by an Act of the last Session of Parliament, intituled "An Act to authorize the Cobourg and Peterborough Railway Company to construct a Tramway or Railway from the Marmora Iron Works to the River Trent, or to Rice Lake, and for other purposes," the said Companies, parties to these presents, were authorized (with the consent of a two-thirds majority of the shareholders of each Company), to unite for the purpose of mining for ores, minerals, marbles and other valuable substances, and of smelting such ores, and of carrying the same to market:

And whereas it was further provided by the said Act that the said Companies, for the more effectual carrying into effect of such union, might consolidate their respective debts, and unite their stocks, properties and effects, and that any deed or agreement under the seals of the said Companies, respectively ratified by the shareholders as aforesaid, should be valid and binding, as if the same had been incorporated with the said Act, from and after registration and publication of said deed:

And whereas an absolute union of said Companies has been agreed upon between them, upon the terms and conditions hereinafter set forth, and such union and these presents have been ratified by a two-thirds majority of the shareholders of each Company, as testified by the signatures on Schedule A hereto attached, shewing the consent of the shareholders in the Cobourg and Peterborough Railway Company, and the signatures in Schedule B hereto attached, shewing the consent of the shareholders and proprietors of the Marmora Iron Company.

Now these presents witness that the said union of the Cobourg and Peterborough Railway, and the Marmora Iron Company, shall be upon the following terms and conditions:—

First. The new Company shall be called "The Cobourg, Peterborough and Marmora Railway and Mining Company," and by that name shall be a Corporate Company, and shall have succession and a common seal, and shall possess and hold all the corporate rights and powers conferred by the Charters and Amending Acts regulating the affairs of each Company, it being declared, nevertheless, that the Marmora Iron Company shall merge in the Cobourg and Peterborough Railway Company, and that the statutes regulating the latter Company shall, so far as they are valid and unrepealed, continue to govern and regulate the affairs of the Cobourg, Peterborough and Marmora Railway and Mining Company.

Second. New Preferential Stock, not exceeding \$600,000 (six hundred thousand dollars), shall be subscribed, which shall be appropriated as follows:—The sum of \$170,000 of paid up Preferential Stock shall be set apart for, and subscribed in the

name of Edward Burstall, Esquire of Quebec, or such person or persons as he shall appoint. The sum of \$430,000 shall be set apart for, and subscribed in the names of such new subscribers of stock as shall become shareholders in the undertaking.

The Company may increase their Capital Stock either by increasing the number and denomination of the shares as paid up shares, or by putting new shares unpaid in the market, by by-law to be passed by a majority of the shareholders at a special meeting to be called for that purpose, of which, at least, two weeks notice shall be given in a Cobourg Newspaper, and in the *Canada Gazette*, and in such case the holders of Stock shall be entitled as amongst themselves to a proportionate amount of new shares; the sum of \$30,000 paid to the proprietors of the Marmora Iron Works, at the delivery of these presents, shall be a credit on the new Stock on which the calls producing that sum shall have been paid.

Third. And whereas upon the negotiation of the said Union of the said Companies, it was agreed that all the lands, tenements, hereditaments, goods, chattels and effects which now belong to, or at any time heretofore belonged to the Marmora Iron Company, should vest in and belong to the new Company formed under these presents.

And whereas it appears, that the title to certain of such lands is now held by Edward Burstall of Quebec, Esquire, and that the title of certain others of such lands is held by Henry Walmsly Welch of Quebec, Esquire, and they the said Edward Burstall and Henry Walmsly Welch, have respectively agreed in consideration of the payment of the said sum of \$30,000, and the allotment of paid up Preferential Stock to the said Edward Burstall to convey by Indenture bearing even date herewith all the said lands and tenements unto the said the Cobourg, Peterborough and Marmora Railway and Mining Company in fee simple unincumbered.

Now these presents further witness that the said Marmora Iron Company ratify and confirm the said conveyances of the said lands, and they hereby forever release and remise unto the said the Cobourg, Peterborough and Marmora Railway and Mining Company, as well all their right and title to the said lands and tenements as all other lands and tenements, goods, chattels and effects of what kind soever and wheresoever situate. To have and to hold unto and to the use of the said the Cobourg, Peterborough and Marmora Railway and Mining Company, absolutely and forever.

Fourth. The properties of the Cobourg, Peterborough and Marmora Railway and Mining Company are the following:—

The Line of Railway from Cobourg to Peterborough, with all the depot and station grounds, tenements and appurtenances and all the corporate rights and powers thereto belonging, and all the lands and effect as conveyed by the said Edward Burstall and Henry W. Welch, and by the Marmora Company, together with all the ores, minerals, marbles, lithographic stone, slate, copper, lead and other valuable substances therein contained.

Fifth. The Cobourg, Peterborough and Marmora Railway and Mining Company, will as soon as possible and under the management of their Directors, lay out and construct a railway from some point on the River Trent to the Marmora ore beds, permanently reconstruct the railway bridge across Rice Lake, equip the main line and Marmora branch with all necessary rolling stock, charter, build or purchase steamer and vessels for the conveyance of lumber, ores and other freight over the water portion of the said route, and generally shall purchase and hold all necessary materials requisite for their undertaking.

Sixth. The first charge on the Company's properties and stock list is the sum of \$100,000 to be paid into the Court of Chancery for the Bondholders and other creditors, which sum is declared to be a charge on all the properties and effects of the said the Cobourg, Peterborough and Marmora Railway and Mining Company, as united under this instrument.

Seventh. So soon as the new stock shall have been subscribed the company may proceed with the construction of their works and may enter into contracts for the carriage of lumber and the delivery of ore and other substances at the Cobourg wharf or elsewhere.

Eighth. Nothing herein shall be taken to confine or limit the powers of the said company, but shall be read with and in addition to the statutes governing the same.

In witness whereof the said Cobourg and Peterborough Railway Company by their corporate seal and the name of their President and the said Marmora Iron Company by their corporate seal and the hand of their President have executed these presents on the day and year first above written.

Witnesses to execution by
Marmora Company,

(Signed)
CHARLES R. COKER,
Witness to execution by
Cobourg and Peterborough
Railway Company,

(Signed)
JAMES COCKBURN.

49-3

(Signed)
EDWARD BURSTALL, [LS.]
President.

(Signed)
JOHN BEATTY, [LS.]
President,
C. & P. Railway Company.

No. 49.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to Consolidate and Amend the various Acts of the Parliament of Canada, relating to the Cobourg, Peterborough and Marmora Railway and Mining Company.

PRIVATE BILL.

First reading, Nov. 17, 1868.

Mr. FRASER.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

1 - Reading of Resolution
Dropped 23 January 1869

No. 50.] **BILL.** [1868.

An Act to Incorporate the Toronto House Building Association.

WHEREAS the persons hereinafter named by their petition Preamble.

have represented that they have, "with many others residing in the city of Toronto, formed themselves into an Association, called the Toronto House Building Association;"
5 for the purpose of building and erecting first and second-class dwellings in the city of Toronto, or in any part of the Province of Ontario; with the view of inducing and enabling the mechanical and other useful classes of the community, having a limited income, at the end of several years, without the pay-
10 ment of cash down, to become the absolute owners of such dwellings. And whereas, the said Petitioners have prayed that the said Association may be incorporated; and in consideration of the great benefits which must arise from the said Association, it is expedient to grant their prayer; therefore,
20 Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario enacts as follows :

1. Donald McKay, James Austin, William Thompson, J. S. Persons in-
Playfair, Edward Hooper, James Michie, and Angus Morrison, corporated.

together with all such other persons as shall become share- Corporate
25 holders in the Association hereby constituted, shall be, and they name.
are hereby made a body corporate and politic by the name of the "Toronto House Building Association."

2. The Association shall have power to acquire and hold by Powers.
lease, purchase, or other legal title, lands, houses, buildings, or
30 premises, to construct, erect, build, and maintain houses or other buildings, and to lease, sell, convey, and dispose of the same, as the Association may deem for its advantage; and also shall have power to lend its money on security, by mortgage of real estate, or Provincial Government bonds, or other securities, or
35 on the stock of chartered banks within the Province.

3. The capital stock of the Association shall be the sum of Capital stock.
one hundred thousand dollars, divided into shares of twenty-five dollars each and which said capital stock
may be from time to time increased, as the wants of the Asso-
40 ciation may require, by vote of the shareholders, at a meeting Increase.
of the Association, called for the purpose, to an amount not exceeding four hundred thousand dollars in the whole.

4. The capital stock shall be paid by the shareholders in Payment of
monthly installments, as the Directors of the Association shall shares and
45 require, or as the by-laws may provide, and if not paid at the forfeiture for non-payment.

day required, interest at the rate of seven per centum per annum shall be payable after the said day, upon the amount due and unpaid; and in case any installment or installments shall not be paid, as required by the Directors with interest thereon, after such demand or notice as the by-laws prescribe, 5 and within the time limited by such notice, the Directors may by vote, reciting the fact, duly recorded in the records, summarily forfeit any shares whereon such payment is not made, and the same shall thereafter become the property of the Association. 10

Shares transferable.

5. The stock of the Association shall be deemed personal, and be assignable; and no transfer of any share shall be valid until entered in the books of the Association, according to such forms as the Directors may from time to time appoint; and until the full amount of the shares subscribed for shall have 15 been paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made; provided always, that no shareholder indebted to the company shall be permitted to make a transfer or receive a dividend until such debt be paid or secured to be paid to the satisfaction of the Directors. 20

Voting.

6. At all meetings of the Association, every shareholder, not being in arrears in respect of any instalment, shall be entitled to vote upon the following scale:—For one share, one vote; three shares, two votes; five shares, three votes; seven shares, 25 four votes; nine shares, five votes; eleven shares, six votes; thirteen shares, seven votes; sixteen shares, eight votes; nineteen shares, nine votes; twenty-five shares, ten votes; and one additional for every five shares over twenty-five shares; no shareholder shall act as proxy for more than one hundred shares, and all votes may be given in person or by proxy; 30 provided always the proxy is held by a shareholder and is in conformity with the by-laws.

Ten Directors.

7. The stock, property and affairs of the Association shall be under the management of a Board of ten Directors, one of whom shall be elected President, and another of whom shall be elected 35 Vice-President by and amongst themselves, and five members of such Board present in person shall be a quorum thereof; each of which Directors shall be a shareholder and possess in his own right not less than twenty shares of the capital stock of the said Association; and the first Directors under this Act 40 shall be Donald McKay, James Austin, William Thompson, J. S. Playfair, Edward Hooper, James Michie, Angus Morrison, John Worthington, Thomas Dick, and they shall hold office till the first general meeting of the shareholders, which shall take place at the city of Toronto on the first Tues- 45 day of the month of February, one thousand eight hundred and sixty-nine; and thereafter the Directors shall be elected at a general meeting of the shareholders to be holden on the first Tuesday in February in each year, at such place and in such manner as the majority of the Directors for the time being 50 shall direct and appoint; and the election shall be held and be made by such of the shareholders as shall attend either in person or by proxy, and such election shall be made by ballot; and if any Director shall die, resign, refuse, or become incapable to act, or cease to be a Director from any other cause, the re- 55 maining Directors shall, if they think proper, elect in his place

Directors' qualifications.

Names of Directors.

Filling vacancies.

another shareholder to be a Director, who shall hold office until the next annual meeting.

8. In case at any time an election of Directors shall not be made on the day herein appointed, the said Association shall not on that account be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of Directors in such manner as shall have been regulated by the by-laws, rules and regulations of the said Association.

Provisions in case of failure to elect Directors on day appointed.

9. The Board of Directors shall have full power in all things to administer the affairs of the Association, and to make, or cause to be made, any purchase, and every description of contract which the Association may by law make, to adopt a common seal, to make from time to time any and all by-laws, (not contrary to law) regulating the calling in of instalments of stock and payment thereof, the registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the appointments, functions, duties and removal of all agents, officers and servants of the Association, the security to be given by them, their remuneration, the time and place for holding meetings, the calling of meetings, the requirements as to proxies, the proceedings in all things at such meetings, the imposition and recovery of all penalties and forfeiture, and the conduct in all other particulars of the affairs of the Association; but every such by-law and every repeal, amendment and re-enactment thereof, shall have force only when sanctioned by a general meeting of the Association, and every copy of any by-law under the seal of the Association, and purporting to be signed by any officer of the Association, shall be received in all Courts of law as *prima facie* evidence of such law.

Powers of Boards of Directors.

Proviso, by-laws to be approved at a general meeting.

10. The shareholders shall not, as such, be held responsible for any act, default or liability whatsoever of the Association, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to, or connected with the Association, beyond the amount unpaid upon their shares in the stock thereof.

Liability of shareholders.

11. All contracts, notes, bills of exchange and engagements made on behalf of the Association by the Directors, officers, agents or servants of the Association, in accordance with their powers under the by-laws, or by vote of the Association, shall be binding on the Association, and in no case shall such Directors, officers, agents or servants thereby become individually liable to a third party therefor; but the Association shall issue no bank note or notes to circulate as money.

Contracts made by the Association.

Not to issue notes for circulation.

12. Upon an agreement being made by the said Association, for the sale of any house or other real estate held thereby, it shall be lawful for the said Association to execute, in favour of the intending purchaser thereof, a lease thereof for the time stipulated in such agreement of sale, as the limit of the delay thereby fixed for the payment of the last instalment of the price therein agreed upon, at a rental corresponding in the amount, and in the terms of payment thereof with such price, and with the terms of payment of such price; and if such lease

Leases may be granted to purchasers on credit.

Such lease not to convey ownership.

Promise of
sale not to be
binding until
conditions of
lease are ful-
filled.

appear by its terms to have been made under the provisions of this Act, it shall not be held to convey to such intending purchaser any right in or to the property intended to be sold, or any real right therein whatever, nor shall the possession thereof by the intending purchaser be held to be a possession as proprietor; nor shall any legal or other security or mortgage be created or attached thereon, notwithstanding that such lease shall contain a direct promise of sale of such property, so soon as the conditions thereof shall have been performed, until the sum of money in such lease stipulated for, and every part and portion thereof, shall have been fully paid with interest due thereon, nor until all charges, conditions and obligations created by, or due under such lease, shall have been fully paid, performed and fulfilled. 5 10

When the
lease shall be
equal to a
promise of
sale.

Right result-
ing there-
from.

13. If the intending purchaser or lessee, having accepted a lease under this Act of the property intended to be acquired by him from such Association, shall make all the payments, and perform all the conditions stipulated for by such lease, and shall fulfil all the obligations thereby imposed upon him, the said lease shall thereupon and thereafter be held to be, and shall be equivalent to a promise of sale of such property with possession; and shall vest the same in such intending purchaser in the same manner, and to the same extent, as if it were an ordinary promise of sale, and shall give the right to the holder thereof to demand, and to have from the said Association a valid deed of sale of the property mentioned therein containing warranty of title, and against all charges thereon other than those disclosed and agreed to be permitted to remain thereon, and all mortgages, claims and demands, which were created by the intending purchaser during the pendency of said lease, shall immediately thereupon attach to such property according to their rank and privilege, and the date of their registration, in the same manner as if the same had been the property of such intending purchaser from the date of such lease. 15 20 25 30

Resumption
of property
for non-pay-
ment.

14. If at any time, three months arrears of the instalments stipulated for in any such lease shall become due and shall remain unpaid, the said Association shall have the right to retake possession of the property intended to be sold, upon giving to the intending purchaser or lessee ten days' notice, in writing, to vacate and deliver back the same, and tendering to him the amount by him actually paid on account of the instalments agreed upon in said lease, after the deduction therefrom of interest at the rate of ten per centum per annum, on the price agreed upon remaining unpaid each year, for the time during which the premises agreed to be sold remained in the occupation of the intending purchaser, by way of rent for the use and occupation of such premises, and ten per centum of the amount actually paid in to be retained as a forfeiture and penalty for non-performance of the agreement of purchase, together with the costs of such tender and the expense of repairs and restoring all injuries and deteriorations suffered by the premises so intended to be sold, reasonable wear and tear excepted, and of all taxes, charges and assessments which may be attached thereto by the occupation thereof by the intending purchaser or lessee, and which shall then remain unpaid, all which charges and deduction shall be a first and privileged charge upon the amounts so actually paid in by the intended purchaser or 35 40 45 50 55

Compensation
in such cases.

lessee; but if the instalments payable annually under such lease shall amount to less than ten per centum upon such price, then and in that case the amount to be deducted for rental shall be the amount of instalments stipulated for in such lease.

- 5 **15.** If at the end of ten days after service of such notice and tender the intending purchaser or lessee shall not vacate and deliver back to the said Association the premises so intended to be bought by him, the said association shall have the right to
 10 cause him to be ejected therefrom by proceedings to be taken under the Act respecting overholding tenants, 31 Victoria, Chap. 26th of the Statutes of the Province of Ontario
 , and in all respects in the same manner as if such lease were an ordinary lease, and the costs awarded to the said
 15 Association in an action instituted under this Act shall also be a charge upon and be deducted from the amount of money actually paid in by the intending purchaser.

Ejection of purchaser if he refuses to deliver up possession.

Costs in such cases.

- 16.** Any tender made by the said Association shall be held to be sufficiently made, if the Association shall have *bona fide*
 20 used diligence to ascertain the amounts which they shall be entitled to retain out of the purchase money paid in by the intending purchaser, notwithstanding that the amount tendered may not be precisely that which should have been so tendered, according to the provisions hereof; and in such case the Association and the intending purchaser shall have the right to
 25 recover each from the other the amount which may have been over or under tendered.

Tenders made *bona fide* by the Association to be held sufficient.

- 17.** In the event of the surrender of any property so leased as aforesaid, and if the sum of money actually paid in by the
 30 intending purchaser being insufficient to meet all the charges thereon, and deductions therefrom herein provided for, the said Association shall have the same lien, privilege and remedies as an ordinary lessor, upon the effects of the intending purchaser or lessees for the balance remaining due; Provided always that
 35 such balance does not exceed in amount the sum chargeable against such intending purchaser, by way of rental for the use and occupation of the premises intended to be sold.

Association in certain cases to have recourse as a lessor.

- 18.** The Association shall not commence business operations under this Act, until at least forty thousand dollars
 40 of their capital stock shall have been subscribed, and ten per centum paid in; Provided always, that unless operations be commenced under this Act within five years from the passing thereof, and continue *bona fide*, this Act of Incorporation shall be null and void.

When operations shall be begun.

- 19.** If at any time the Directors consider it expedient to cease carrying on the business of the Association, and to wind up and close it, they shall have power to do so in such manner as they shall deem best for the interests of the stockholders; Provided that the consent of a majority of the stockholders
 45 present at any meeting thereof be obtained thereto, in the notices for the calling of which, the intention of considering the winding up thereof shall have been mentioned.

The Association may be dissolved by consent of shareholders, etc.

- 20.** The said Association shall lay before the Legislative Assembly of Ontario, annual returns containing a general statement of the affairs of the said Association, which returns shall be presented within the first thirty days of each Legislature.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to Incorporate the Toronto House Building Association.

PRIVATE BILL.

First reading, Nov. 18, 1868.

Hon. Mr. CAMERON.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

2nd 23
3rd 8 December

No. 51.] **BILL.** [1868.

An Act to reduce the Sittings of the County Courts and General Sessions of the Peace, to abolish Recorders' Courts, and for other purposes.

WHEREAS the multiplicity of Courts of inferior jurisdiction entails great and unnecessary expense upon the country, and it is advisable to amend the laws relating thereto, and to make certain other provisions with a view to lessen such expense; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. Sections 13 and 15 of Chapter 15 of the Consolidated Statutes of Upper Canada respecting County Courts, are hereby repealed from the time this Act shall take effect; but nothing herein contained shall invalidate any proceeding theretofore had or taken in any of the County Courts of this Province.

Number of County Court sittings and terms changed.

2. The several County Courts of this Province from the time this Act shall take effect, shall hold two terms in each year, to commence respectively on the first Monday in July and January in each year, and end on the Saturday of the same week; except the County Court of the County of York, which last mentioned Court shall hold three terms in each year, to commence respectively on the first Monday in the months of January and April, and the last Monday of August, in each year, and end on the Saturday of the same week.

Only two terms a year, &c.

3. The sittings of the said County Courts for the trial of issues of fact, and assessment of damages, shall thenceforth be held semi-annually, to commence on the second Tuesday in the months of June and December in each year; except the County Court of the County of York, which last mentioned Court shall hold three such sittings in each year to commence respectively on the second Tuesday in the months of March, July and December in each year.

Only two sittings for trial of issues, &c.

30 **COUNTY COURTS EQUITY JURISDICTION—REPEAL.**

4. Sections 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, and 69 of the said Statute, Chapter 15, respecting the equity jurisdiction of the County Courts, are hereby repealed from the time this Act shall take effect, except as to any suit or proceeding then pending; but any suit or proceeding then pending may be prosecuted and proceeded with as if this Act had not passed.

County Courts Equity Jurisdiction abolished.

Security on
appeal from
County Courts
amended.

5. In further amendment of the 68th Section of the said Statute, Chapter 15, and in amendment of the Act of the Parliament of the late Province of Canada, passed in the second Session, in the 27th year of Her Majesty's reign, Chapter 14, it is hereby enacted that the words "party wishing so to appeal," 5 used in said Section 68, shall for all purposes be taken and held to mean, as well parties on whose behalf, or for whose benefit, any suit is prosecuted or defended, and parties suing or defending in the name of others, though not named on the record, as parties so named; and the words "himself and" between the words "by" and "two" shall be struck out of the 10 said Section and omitted therefrom.

GENERAL SESSIONS.

Number of sit-
tings of Quar-
ter Sessions
changed.

6. Section 3 of Chapter 17 of the Consolidated Statutes of Upper Canada, relating to Courts of Quarter Sessions of the 15 Peace, is hereby repealed from the time this Act shall take effect.

Two sittings
yearly, on 2nd
Tuesday in
June and
December.

7. The Courts heretofore known as the Courts of General Quarter Sessions of the Peace in and for the several Counties and Union of Counties in this Province, shall after this Act takes 20 effect, be called and known as the Courts of General Sessions of the Peace of the respective Counties, and shall thenceforth be held semi-annually to commence on the second Tuesday in the months of June and December in each year; except in the County of York, in which County the said Courts of General Sessions 25 of the Peace shall be held three terms in the year, to commence on the second Tuesdays in the months of March, July and December in each year, so that said sittings may come as nearly as may be midway between the sittings of the Courts of Oyer and Terminer, and General Gaol Delivery in and for the 30 several Counties of this Province.

Parties or-
dered to pay
costs liable
only to a cer-
tain rate.

8. Parties convicted of misdemeanour at the Courts of General Sessions of the Peace, and ordered or liable to pay the costs, shall only pay, in addition to the witness fees, such costs as the County Attorney would be entitled to charge in a con- 35 viction for felony in the same Court.

Time for ap-
pointment of
Constables.

9. The appointment of Constables and High Constables which by the 10th Section of the said Act, Chapter 17, is required to be made by the Courts of General Quarter Sessions of the Peace at their sittings in the month of March in each 40 year, may hereafter be made at any sitting or adjourned sitting of said Courts.

2. Section One of Chapter One Hundred and Twenty-one of the Consolidated Statutes of Upper Canada, entitled "An Act respecting the expenditure of County Funds for certain pur- 45 poses within Upper Canada," is hereby repealed; and in lieu thereof it is hereby enacted that all accounts and demands preferred against the County, the approving and auditing whereof, heretofore belonged to the Quarter Sessions, shall henceforth be audited and approved by the Magistrates of the respective 50 Counties and union of Counties; and in amendment of Section Three of the said Act, it is hereby enacted that such accounts and demands shall henceforth be delivered to the Clerks of the

Peace of the respective Counties on or before the first day of each General Sessions of the Peace, and of each sitting of the Courts of Oyer and Terminer and General Gaol Delivery in the respective Counties and Union of Counties.

- 5 3. Such of the said accounts and demands, as shall be so delivered on the first day of the sittings of the said Courts of Oyer and Terminer and General Gaol Delivery, shall be audited by a Bench of, at least, seven Magistrates, of whom the Chairman of the Court of General Sessions of the Peace, shall be
10 one, and shall be taken into consideration in the week next succeeding the week in which such sittings ended, and disposed of as soon as practicable; and such of the said accounts and demands, as shall be so delivered on or before the first day of the General Sessions of the Peace, shall be audited at the time
15 and in the manner provided by the said Act.

RECORDERS' COURTS—REPEAL

10. Sections 360, 368, 369, 370, 373, 375, 376, 377, 378, 379, 381, 382, 383, 384, 385, 386, 387, 388 and 394 of the Act of the Parliament of the late Province of Canada, passed in the Session
20 held in the 29th and 30th years of Her Majesty's reign, entitled "An Act respecting the Municipal Institutions of Upper Canada," and all Letters Patent issued to any Recorder under the said Section 381, are hereby repealed from the time this Act shall take effect; and the several Recorders' Courts of the cities of
25 Toronto, Hamilton, London, Kingston and Ottawa, as well as also the Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery for the County of the City of Toronto, are from thenceforth abolished; and the said cities shall thenceforth, for judicial purposes, be respectively united to and form
30 part of the several Counties in which they are respectively situate.

Recorders' Courts abolished.

And Commissions to Recorders to hold the Division Courts.

Cities united to Counties for judicial purposes.

11. In lieu of the said Section 373, it is hereby enacted that every Police Magistrate shall *ex-officio* be a Justice of the Peace for the City or Town for which he holds office, as well as also
35 for the County or Union of Counties in which such City or Town is situate; and no other Justice of the Peace shall adjudicate upon, admit to bail, discharge prisoners or otherwise act, except at the Courts of General Sessions of the Peace, in any case for any Town or City where there is a Police Magistrate,
40 except in case of the illness or absence, or at the request, in writing, of the Police Magistrate.

Amendment, leaving out Recorder as a Justice of the Peace.

12. Section 380 of the said Act is hereby amended by substituting the words "Judge of the County Court" for the words "Recorder of the City," and the words "Judge of the said
45 County Court" for the word "Recorder," wherever they respectively occur throughout the said Section.

Investigations at instance of City Council to be by County Judge in place of Recorder.

13. In lieu of Section 387 of the said Act, it is hereby enacted that in any prosecution, suit, action, or proceeding in any civil matter to which a corporation is a party, no rate-
50 payer, member, officer, or servant of the corporation shall, on account of his being such, be incompetent as a witness; but they, and every of them, shall be liable to challenge as a juror, except where the Municipal Corporation, the party to such prosecution, suit, action or proceeding, be a County.

No ratepayer, member, &c., of Municipal Corporation to be incompetent as a witness, &c. But liable to challenge as a juror, except, &c.

Indictments,
&c., pending
in Recorder's
Court to be
transferred to
General Ses-
sions.

14. From the time this Act shall take effect all indictments, suits, proceedings and matters then pending, or commenced in any of the said Recorder's Courts, and not tried and finally determined, ended and completed, shall appertain and be transferred to the several Courts of General Sessions of the Peace of the respective Counties in which the said Cities are respectively situate, and the said Courts of General Sessions of the Peace shall have full jurisdiction and cognizance of all such indictments, proceedings and matters, and all such indictments, proceedings and matters shall be tried, proceeded with, conducted, done, performed and completed in and by the said last mentioned Courts, as if such indictments, proceedings, and matters had originated in or been pending therein, 5 10

Substituting
County Court
Judge for Re-
corder in
Board of
Police.

15. In amendment of the 394th Section of the last mentioned Act, respecting the Municipal Institutions of Upper Canada, it is hereby enacted that the Board of Police in every city shall consist of the Mayor, the Judge of the County Court of the County in which the city is situate, and the Police Magistrate; and if there be no Police Magistrate, the Council of the City shall appoint a person, resident therein, to be a member of the Board of Police of such city. 15 20

All matters
heretofore re-
quired to be
done by Re-
corders, to be
done by Coun-
ty Court
Judges.

16. After this Act shall take effect, the several powers, duties, matters and things which theretofore appertained to or were authorized, or required to be exercised, done or performed in or by the said Recorders' Courts respectively, are hereby transferred, and shall appertain to and be exercised, done and performed by the Courts of General Sessions of the Peace of the Counties in which the said Cities are respectively situate, and the several duties, powers, acts, matters and things theretofore authorized, or required to be exercised, done or performed by the said Recorders shall thenceforth be exercised, done and performed by the Judges of the County Courts of said respective Counties. 25 30

TRIALS AND ASSESSMENTS.

Certain cases
in Superior
Courts to be
tried in Coun-
ty Courts.

17. All issues of fact and assessment of damages in the Superior Courts of common law relating to debt, covenant and contract, where the amount is liquidated or ascertained by the act of the parties, or by the signature of the defendant, may be tried and assessed in the County Court of the County where the *venue* is laid, if the plaintiff desire it, without any order for that purpose, in which case an entry shall be made in the issue and subsequent proceedings in words, or to the effect of Form A in the schedule to this Act, in place of the *venire facias*; and in the roll the *postea* shall be entered in words, or to the effect of Form B in said schedule. 35 40 45

County
Court cases to
be tried in
Superior
Courts.

2. All issues of fact, and assessments of damages in actions in any County Court, may be tried and assessed in the election of the plaintiff at any sittings of Assize, and *Nisi Prius* for the County in which the *venue* is laid without any order for that purpose, in which case an entry shall be made in the issue and subsequent proceedings in words, or to the effect of the Form C in the said schedule, and in the roll the *postea* shall be entered in words, or to the effect of Form D in said schedule. 50

3. In any of the said cases, the notice of trial or assessment shall state that the cause will be tried, or the damages assessed at such sittings according to the fact; and in cases in the Superior Courts, where the trial or assessment is intended to be had in the County Court, the issue shall be delivered, and the notice of trial or assessment served ten clear days before the sittings of such County Court; provided always that nothing herein contained shall prevent either the Judge of the Court in which the action is brought, or before whom the trial or assessment is intended to be had, from entertaining applications to postpone such trials or assessments.

Notice of trial, etc., in such cases.

4. Subject to the provisions herein contained, the record shall be made up, and entered and tried as in other cases; and in any of the said cases, judgment may be entered on the fifth day after verdict rendered or damages assessed, unless the Judge who tried the cause shall certify, on the record under his hand, that the case is one which, in his opinion, should stand to abide the result of a motion that may be made therein in term, or unless a Judge of one of the Superior Courts shall otherwise order. Provided always that in any such case the Judge may certify for immediate execution.

When judgment to be entered.

5. Any motion to be made in respect to any verdict or assessment of damages in any County Court, tried or assessed at any sittings of Assize and *Nisi Prius*, shall be made, heard and determined in the Superior Court of Law at Toronto, which the party moving or applying shall elect, and according to the practice of that Court; and any rule or order made in such cause by such Court shall be valid and binding; but shall be subject to be modified, rescinded, or reversed on appeal, in the same manner as if the action had been originally brought in such Court.

Motion against verdict, etc., to be in the Superior Court.

6. The Clerks of the several County Courts shall provide books in which the Judges sitting in the Courts of Assize and *Nisi Prius*, where cases brought in any County Court shall be tried or assessed under this Act, may enter their notes of such trials and assessments; which books immediately after such trials or assessments shall be returned to, and remain in, the offices of such Clerks.

Books for Judge's notes of trial, etc., in County Court.

7. On the application of any of the parties, the County Court Clerks shall, at the cost of such party, forward to the Clerk of the Crown and Pleas at Toronto, of such of the Superior Courts as such party shall designate, a certified copy of the Judge's notes of the trial or assessment of any such cases, together with the record and exhibits; to enable such Superior Court properly to dispose of any application made, or to be made in or respecting such cases.

Certified copy of notes of case.

8. The costs on all such proceedings in the said several Courts shall be the usual costs of such cases in the Court in which the action is brought.

Costs in such cases.

18. In amendment of the second section of chapter thirty-one of the Consolidated Statutes of Upper Canada, intituled "*An Act respecting Jurors and Juries*," it is enacted:—

Issues to be tried and damages assessed by the Judge except, etc.

1. All issues of fact in any civil action when brought in either of the Superior Courts of Common Law, or in any of the County Courts, in Ontario, and every assessment or enquiry of damages in every such action, may, and in the absence of such notice as in the next sub-section mentioned, shall be heard, tried and assessed by a Judge of the said Courts without the intervention of a Jury. 5

Any party may have Jury by giving notice.

2. Provided that if any one or more of the parties requires such issue to be tried or damages to be assessed or enquired of, by a Jury, he shall give notice to the Court in which such action is pending, and to the opposite party, by filing with his last pleading and serving on the opposite party a notice in writing to the effect following, that is to say: 10

"The Plaintiff (or one or more of them) (or the Defendant or one or more of them as the case may be,) requires that the issues in this cause be tried, (or the damages assessed) by a Jury, and a copy of such notice shall be attached to the record." 15

Finding of Judge to have like effect as verdict of Jury.

3. The verdict or finding of the Judge by whom any such issue shall be tried or damages assessed, shall have the like effect, as the verdict or finding of a jury, and the like fees and charges shall be payable in respect of the same, provided that the parties shall be entitled to move against such verdict or finding by motion for non-suit, new trial, or otherwise, within the same time, and on the same grounds (including objections against the sufficiency or the erroneous view taken of the evidence) as allowed in cases of trial or assessment by a jury. 20 25

Parties may waive notice by consent and the Judge may then try the cause.

4. Whenever any one or more of the parties to any such action shall have given such notice, requiring a jury as hereinbefore provided, the cause shall be carried down to trial in the same manner and with the like effect as if this section had not been passed, provided always that it shall be competent for the parties present at the trial to consent that the said notice shall be waived, and the case tried or damages assessed, by the Judge, and to endorse a memorandum of such consent upon the Record and thereupon the said Judge shall proceed to the trial of the issues or assessment of the damages without the intervention of a jury. 30 35

But Judge may direct cause to be tried by a Jury.

5. Provided always, that it shall be competent for the judge in his discretion to direct that, notwithstanding anything hereinbefore contained, any such action shall be tried or the damages assessed by a jury. 40

Certain clauses of C. S. U. C., chap. 31 repealed. Sec. 51 amended.

19. Sections 10, 132, 133, 134, 135, 136 and 137 of the said Act, entitled An Act respecting Jurors and Juries, are hereby repealed.

20. Section 51 of the said Act is hereby amended by inserting therein next after the words "Clerk of the Peace," the words, "the Mayor of the City, situate within, or partly within, the County." 45

Interpretation of certain words.

21. The words "The Governor" in Section 58 of the said Act, shall be held to mean "The Lieutenant Governor of this Province," and the words "The Official Gazette of the Pro-

vince" and "The Gazette" in the said Section, shall be held to mean "The Ontario Gazette."

CITY OF TORONTO RE-UNITED TO THE COUNTY OF YORK

22. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, of the Act of the Parliament of the late Province of Canada, passed in the 24th year of Her Majesty's reign, Chapter 53, entitled "An Act to provide for the separation of the City of Toronto from the United Counties of York and Peel for certain judicial purposes," and also the Act passed in the 25th year of Her Majesty's reign, Chapter 24, entitled "An Act to explain the Act to provide for the separation of the City of Toronto from the United Counties of York and Peel," are hereby repealed from the time this Act shall take effect; and the City of Toronto shall thenceforth, for judicial purposes, be re-united to, and be part of, the County of York.

Certain sections of 24 Vic., chap. 53.

2. All recognizances conditioned that any person, whether as witness, prosecutor, defendant or otherwise, shall appear at any Recorder's Court of any city, to be held next after the time this Act shall take effect, shall be obligatory to compel the appearance of such party at the Court of General Sessions of the Peace of the County in which the city is situate, to be held next after this Act shall take effect, and the conditions of all such recognizances shall be construed as if so expressed; and all recognizances conditioned that any person, whether as witness, prosecutor, defendant or otherwise, shall appear at any sitting of the Court of Oyer and Terminer or General Gaol Delivery for the County of the city of Toronto, to be held next after this Act shall take effect, shall be obligatory to compel the appearance of such party at the sitting of the Courts of Oyer and Terminer and General Gaol Delivery for the county of York, which shall be held next after the passing of this Act, and the condition of all such recognizances shall be construed as if so expressed.

23. Nothing herein contained shall render invalid any indictment, information, action, or proceedings heretofore prosecuted, had, taken or pending in any sitting of the Courts of Assize and *Nisi Prius*, Oyer and Terminer or General Gaol Delivery for the County of the City of Toronto; but all such indictments, informations, actions and proceedings shall be transferred to, and may be continued, prosecuted and proceeded with in the Courts of Assize and *Nisi Prius*, Oyer and Terminer and General Gaol Delivery for the County of York.

Former proceedings not to be invalid.

24. Nothing in this Act contained shall alter or affect the existing arrangements between the city of Toronto and the county of York respecting the use of the Gaol.

Existing gaol arrangements not affected.

25. All enactments inconsistent with any of the provisions of this Act are hereby repealed.

FORM A.

And the plaintiff, in order to expedite proceedings in this case, having elected to try the issues (or *assess the damages* or *as well to try the issues as to assess the damages as the case is*) at

the sittings of the County Court of the County of
to be held at in the said County on the
day of 18 the said issues will be tried (or the
said damages will be assessed, or both as the case is) at the said
sittings accordingly.

FORM B.

And the Jury (or Judge) at the said County Court found
that (stating the finding on the issues, or) and the Jury (or
Judge) at the said County Court assessed the damages of the
plaintiff at over and above his costs, therefore it is
considered (&c., as the case requires).

FORM C.

And the plaintiff, in order to expedite proceeding in this case,
having elected to try the issues (or assess the damages, or both
as the case is) at the sittings of Assize, and Nisi Prius to be
holden at in and for the County of
on the day of 18, the said issues
will be tried (or the said damages will be assessed, or both as
the case is) at the said sittings accordingly.

FORM D.

And the Jury (or Judge) at the said sittings of Assize and
Nisi Prius found that (stating the finding on the issues or) and
the Jury (or Judge) at the said sittings of Assize and Nisi Prius
assessed the damages of the plaintiff at over and
above his costs; therefore (&c., as the case requires).

BILL.

(As amended.)

An Act to reduce the Sittings of the County
Courts and Quarter Sessions, to abolish
Recorders Courts and for other purposes.

First reading, Nov. 18, 1868.

Second reading, Nov. 23, 1868.

Attorney General MACDONALD.

TORONTO:

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Discharged

10 Dec

No. 52.]

BILL.

[1868.

An Act to provide for the Institution of Suits against the Crown by Petition of Right.

WHEREAS it is expedient to make provision for proceeding Preamble.
by petition of right in this Province and to assimilate
the proceedings on such petitions as nearly as may be to the
course of practice and procedure now in force in actions and
suits between subject and subject; therefore Her Majesty by
and with the advice and consent of the Legislative Assembly of
Ontario enacts as follows:

1. A petition of right may, if the suppliant thinks fit, be Proceeding by
intituled in any one of the Superior Courts of Common Law or petition of
Equity at Toronto, in which the subject matter of such petition right in any
or any material part thereof would have been cognisable if the of the Superior
same had been a matter in dispute between subject and subject, Courts,
and shall state in the margin the venue for the trial of such petition, what the petition to set
and such petition shall be addressed to Her Majesty in forth, etc.
the form or to the effect in the Schedule (No. 1) to this Act
annexed, and shall state the christian and surname and usual
place of abode of the suppliant and of his solicitor or attorney,
if any, by whom the same shall be presented, and shall set forth
with convenient certainty the facts entitling the suppliant to
relief, and shall be signed by such suppliant, his counsel or
attorney.

2. The said petition shall be left with the Provincial Secretary
in order that the same may be submitted to the Lieutenant-Governor
for his consideration, and in order that the Lieutenant-Governor
may grant his fiat that right be done; and no fee or sum of money shall be payable by the suppliant
on so leaving such petition or upon his receiving back the same.

3. Upon the Lieutenant-Governor's fiat being obtained to
such petition, a copy of such petition and fiat shall be left at
the office of the Attorney-General, with an endorsement thereon
in the form or to the effect in the Schedule (No. 2) to this Act
annexed, praying for a plea or answer on behalf of Her Majesty
within twenty-eight days.

4. The time for answering, pleading, or demurring to such
petition, on behalf of Her Majesty, shall be the said
period of twenty-eight days after the same, with such prayer
of a plea or answer as aforesaid shall have been left at the office
of the said Attorney-General, or such further time as shall be
allowed by the Court or a Judge; provided always that it shall
be lawful for the court in which the petition was originally
intituled, or a Judge in Chambers, on the application of the

Change of the court or the venue. Attorney-General or of the suppliant to change the court in which such petition shall be prosecuted, or the venue for the trial of the same.

Providing where the subject matter previously granted by the Crown to another.

5. In case any such petition of right shall be presented for the recovery of any real or personal property, or any right in 5 or to the same, which shall have been granted away or disposed of by or on behalf of Her Majesty or her predecessors, a copy of such petition, allowance and fiat shall be served upon or left at the last or usual, or last known place of abode of the person in the possession, occupation or enjoyment of such property or 10 right, endorsed with a notice of the form set forth in the Schedule (No. 3) to this Act annexed, requiring such person to appear thereto within eight days, and to plead or answer thereto in the court in which the same shall be prosecuted within fourteen days after the same shall have been so served or left as 15 aforesaid, and it shall not be necessary to issue any *scire facias* or other process to such person for the purpose of requiring him to appear and plead or answer to such petition, but he shall, within the time so limited, if it be intended by him to contest such petition, enter an appearance to the same in the form set 20 forth in Schedule (No. 4) to this Act annexed, or to the like effect, and shall plead, answer, or demur to the said petition within the time specified in such notice, or such further time as shall be allowed by the court or a judge.

In equity, parties may answer or demur, in a court of law may plead or demur, etc.

6. Such petition may be answered by way of answer or 25 demurrer in a Court of Equity or in a Court of Common Law, by way of plea or demurrer or by both pleas and demurrer, by or in the name of Her Majesty's Attorney General on behalf of Her Majesty, and by or on behalf of any other person who may, in pursuance hereof, be called upon to plead or answer thereto, 30 in the same manner as if such petition when prosecuted in a Court of Equity were a bill filed therein, and as if such petition when prosecuted in a Court of Common Law were a declaration in a personal action and without the necessity for any inquisition finding the truth of such petition or the right of the sup- 35 pliant, and such and the same matter as would be sufficient ground of answer or defence in point of law or fact to such petition on the behalf of her Majesty, may be alleged on behalf of any such other person, as aforesaid, called on to plead or answer thereto. 40

Rules of pleading and evidence, trial, practice, etc., of Superior Courts to apply as far as practicable, except, etc.

7. So far as the same may be applicable, and except in so far as may be inconsistent with this Act, the laws and statutes in force as to pleading, evidence, hearing, and trial, security for costs, amendment, arbitration, special cases, the means of procuring and taking evidence, set off, appeal, and proceed- 45 ings in error in suits of equity and in personal actions between subject and subject, and the rules, orders, practice and course of procedure of the said courts of law and equity respectively for the time being in reference to such suits and personal actions, shall, unless the court in which the petition is prosecuted shall 50 otherwise order, be applicable and apply and extend to such petition of right.

In default of plea, etc., applicant to take petition

8. In case of a failure on the behalf of Her Majesty, or of any such other person as aforesaid, called upon to answer or plead to such petition, to plead, answer, or demur in due time, 55

either to such petition, or at any subsequent stage of the proceedings thereon, the suppliant shall be at liberty to apply to the Court or a Judge for an order that the petition may be taken as confessed; and it shall be lawful for such Court or Judge, on being satisfied that there has been such failure, to plead, answer, or demur in due time, to order that such petition may be taken as confessed, as against Her Majesty, or such other party so making default; and in case of default on the behalf of Her Majesty, and any other such person (if any) called upon, as aforesaid, to answer or plead thereto, a decree may be made by the Court, or leave may be given by the Court, on the application of the suppliant, to sign judgment in favour of the suppliant: Provided always that such decree or judgment may afterwards be set aside by such Court or a Judge, in their or his discretion, upon such terms as to them or him shall seem fit.

9. Upon every such petition of right, the decree or judgment of the Court, whether given upon demurrer upon the pleadings, or upon a default to answer or plead in time, or after hearing or verdict, or otherwise, shall be that the suppliant is or is not entitled either to the whole, or to some portion of the relief sought by his petition, or such other relief as the Court may think right, and such Court may give a decree or judgment that the suppliant is entitled to such relief, and upon such terms and conditions (if any) as such Court shall think just.

10. In all cases in which the judgment, commonly called a judgment of *amoveas manus*, was formerly in England pronounced or given upon a petition of right, a judgment that the suppliant is entitled to relief, as hereinbefore provided, shall be of such and the same effect as such judgment of *amoveas manus*.

11. Upon any such petition of right, the Attorney-General, or other person appearing on behalf of Her Majesty, and every such other person as aforesaid, who shall appear, and plead, answer, or demur, shall be entitled respectively to recover costs against the suppliant, in the same manner, and subject to the same restrictions and discretion, and under the same rules, regulations and provisions, so far as they are applicable, as are or may be usually adopted, or in force, touching the payment or receipt of costs in proceedings between subject and subject, and for the recovery of such costs, such and the same remedies and writs of execution as are authorized for enforcing payment of costs upon judgments in personal actions, or decrees, rules or orders, shall and may be prosecuted, sued out, and executed respectively by or on behalf of Her Majesty, and of such other person, as aforesaid, as shall appear and plead to such petition, and any costs recovered on behalf of Her Majesty, shall be paid to the Provincial Treasurer.

12. Upon any such petition of right, the suppliant shall be entitled to costs against Her Majesty, and also against any other person appearing or pleading, or answering to any such petition of right, in like manner, and subject to the same rules, regulations and provisions, restrictions and discretion, so far as they are applicable, as are or may be usually adopted, or in force, touching the right to recover costs in proceedings between subject and subject; and for the recovery of any such costs from

The judgment or decree.

Judgment to be equivalent to the judgment of *amoveas manus* formerly.

Costs against petitioner as if between party and party.

Costs against the Crown, etc., also as if between party and party.

any such person, other than Her Majesty, appearing or pleading, or answering in pursuance hereof, to any such petition of right, such and the same remedies and writs of execution as are authorized for enforcing payment of costs upon rules, orders, decrees or judgments in personal actions between subject and subject, shall and may be prosecuted, sued out, and executed on behalf of such suppliant. 5

If judgment
be for relief,
etc., Judge to
certify to
Provincial
Treasurer.

13. Whenever upon such petition of right, a judgment, order, or decree shall be given or made that the suppliant is entitled to relief, and there shall be no re-hearing, appeal, or writ of error, and whenever upon a re-hearing, appeal, or proceedings in error, a judgment order or decree shall be affirmed, given or made that the suppliant is entitled to relief, and whenever any rule or order shall be made, entitling the suppliant to costs, any one of the Judges of the Court, in which such petition shall have been prosecuted, shall and may, upon application in behalf of the suppliant, after the lapse of fourteen days from the making, giving or affirming of such judgment or decree, rule or order, certify to the Provincial Treasurer the tenor and purport of the same, in the form in the Schedule (No. 5) to this Act annexed, or to the like effect, and such certificate may be sent to, or left at the office of the Provincial Treasurer. 10 15 20

Who shall
pay amount
decreed, etc.

14. It shall be lawful for the Provincial Treasurer, and he is hereby required to pay the amount of any moneys and costs as to which a judgment or decree, rule or order, shall be given or made, that the suppliant in any such petition of right is entitled thereto, and of which judgment or decree, rule or order, the tenor and purport shall have been so certified to him as aforesaid, out of any moneys in his hands, for the time being legally applicable thereto, or which may be thereafter voted by the Legislature for that purpose. 25 30

Judges of Superior Courts
to make
rules, etc.

15. It shall be lawful for the Judges of the said Courts of Law and Equity respectively, from time to time to make all such general rules and orders in their said respective Courts of Law and Equity, for regulating the pleading and practice on such petitions of right, and for the effectual execution of this Act, and of the intention and object hereof, and for fixing the costs to be allowed for and in respect of the several matters herein contained, and the performance thereof, and for the government and conduct of the officers of their respective Courts in and relating to the distribution and performance of the duties and business to be done or performed in execution of this Act, as such Judge may think fit, reasonable, necessary or proper, and to frame such writs, and forms of proceedings as to them may seem expedient for the purpose aforesaid. 35 40 45

Interpretation.

16. In the construction of this Act, the words "Her Majesty" shall extend to and include Her Majesty's successors; the word "Court" shall be understood to mean any one of the Superior Courts of Common Law or Equity at Toronto, in which any such petition is presented; the word "relief" shall comprehend every species of relief claimed or prayed for in any such petition of right, whether a restitution of any incorporeal right, or a return of lands and chattels, or a payment of money or damages or otherwise; and the word "judge" shall be understood to mean a Judge of any of the said Courts respectively. 50 55

Certificate of a Judge of the Court of the tenor and purport of the judgment or decree. To the honourable the Treasurer of Ontario.

Petition of Right of A. B. in Her Majesty's Court of Queen's Bench (Common Pleas or Court of Chancery at Toronto,

I humbly certify that on the _____ day of _____ A. D., it was by the said Court of Queen's Bench (Common Pleas or Court of Chancery) adjudged (or decreed, or ordered) that the above named suppliant was entitled to, &c.

Judge's signature.

[Faint, illegible text, likely bleed-through from the reverse side of the page.]

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to Provide for the Institution of Suits against the Crown by Petition of Right.

First reading, Nov. 18, 1868.

Mr. BLAKE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

2 " 9 December 1868

No. 53.]

BILL.

[1868.

An Act to Incorporate the St Andrew's Society of
the City of Ottawa.

WHEREAS James Alexander Grant, Andrew Mann, James Pennington Macpherson, Edward McGillivray, James Fraser, Robert Lees, John Palmerston Robertson, Rev. Daniel M. Gordon, Donald McGillivray, James W. Russell, William McFarlane, Thomas Isaac, James Dalglish, James Peacock, George D. Sadler, Edward Kent McGillivray, George Kennedy, George M. Rose, Henry Inglis, John Thorborn, William Sutherland, and John McGillivray, Esquires, and others, by their petition to the Legislature, have represented that the Society of which they are members, known as "The St. Andrew's Society of Ottawa," has been formed, for many years, for the purpose of affording pecuniary, medical and other relief, to such natives of Scotland and their descendants as may, from sickness or other causes, have fallen into distress, and have prayed that, for the better attainment of the objects of the said Society, the same may be invested with Corporate powers, and by reason of the good effected by the said Society, it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said James Alexander Grant, Andrew Mann, James Pennington Macpherson, Edward McGillivray, James Fraser, Robert Lees, John Palmerston Robertson, Rev. Daniel M. Gordon, Donald McGillivray, James W. Russell, William McFarlane, Thomas Isaac, James Dalglish, James Peacock, George D. Sadler, Edward Kent McGillivray, George Kennedy, George M. Rose, Henry Inglis, John Thorburn, William Sutherland, and John McMillan, and such other persons as are now members of the said Society, or shall hereafter become members thereof under the provisions of this Act, and the by-laws made under the authority thereof, and their successors, shall be, and they are hereby constituted a body politic and corporate by the name of "The St. Andrew's Society of Ottawa," and may by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in all courts of law and places whatsoever, and by that name, they and their successors shall have perpetual succession, and may have a common seal, and may break, change, alter or renew the same at pleasure; and shall have power to purchase, take, receive, hold and enjoy such real estate as may be required for the actual occupation of the said Corporation, and to alienate, sell, convey, lease, or otherwise dispose of the same, or any part thereof, from time to time, and as occasion may require, and other estate, real or personal, may acquire instead thereof: Provided always that the clear annual income of the real estate, held by the Corporation shall not exceed the sum of five hundred dollars.

poration at any one time, shall not exceed five thousand dollars.

Committee of management and members thereof. **2.** The affairs and business of the said Corporation shall be managed by a Committee of Management, consisting of a President, a first and second Vice-President, a Treasurer, a Recording Secretary, a Corresponding Secretary, a Chaplain, two Physicians, a Solicitor, and nine other members, to be elected annually at a general meeting of the members of the Corporation, held in conformity to the by-laws thereof, and any five members of the said Committee shall be a quorum for the dispatch of business, and the Corporation may assign to any of such officers such remuneration as they may deem requisite. 5 10

Corporation may make by-laws. **3.** The Corporation may make such by-laws, not contrary to law, as they shall deem expedient for the administration and government of the Corporation, and of such asylum, or other charitable institutions, as they shall maintain; and may repeal or amend the same from time to time, observing always, however, such formalities as by such by-laws may be prescribed to that end, and generally, shall have all the corporate powers necessary to the ends of this Act. 15 20

Present by-laws continued till altered. **4.** The by-laws of the said Association, not being contrary to law, shall be the by-laws of the Corporation hereby constituted, until they shall be repealed or altered as aforesaid.

First officers of the corporation. **5.** Until others shall be elected, according to the by-laws of the Corporation, the present officers of the Association shall be those of the Corporation. 25

Recovery of money due to the corporation. **6.** All subscriptions and penalties, due to the Corporation under any by-law, may be recovered by suit in the name of the Corporation; but any member may withdraw therefrom, at any time, on payment of all amounts by him due to the Corporation, inclusive of his subscription for the year then current. 30

General meetings. **7.** The general meetings of the said Corporation shall be held in such manner, after such notice upon such requisition, and at such times in the City of Ottawa, as shall be directed by the by-laws of the Corporation then in force. 35

Competency of witnesses where the corporation is concerned. **8.** No person, otherwise competent to be a witness in any suit or prosecution in which the Corporation may be engaged, shall be deemed incompetent to be such witness, by reason of his being, or having been a member or officer of the Corporation. 40

Returns to be made when required. **9.** The Corporation shall at all times, when required so to do by the Governor or the Legislature, make a full return of all their property, real and personal, and of their receipts and expenditure, for such period, and with such details and other information, as the Governor or the Legislature may require. 45

Public Act. **10.** This Act shall be deemed a Public Act.

2. The affairs and business of the said Corporation shall be managed by a Committee of Management, consisting of a President, a Vice-President, a Treasurer, a Secretary, a Corresponding Secretary, a Librarian, a Physician, a Debtor, and some other members to be annually at a general meeting of the members of the Corporation, held in conformity to the by-laws thereof, and any members of the said Committee shall be a quorum for the purpose of business, and the Corporation may employ to

3. The Corporation shall have the right to acquire, hold, and dispose of real and personal property, and to sue and be sued, and to contract, and generally shall have all the corporate powers necessary to the ends of this Act.

4. The by-laws of the said Association, not being contrary to the laws of the State, shall be the by-laws of the Corporation, and may be amended or repealed or altered as aforesaid.

5. The officers shall be elected annually, according to the by-laws of the Corporation, the present officers of the Association shall remain in the Corporation.

6. A Corporation and individuals, who are citizens of the State, may be members of the Corporation, and may hold office therein.

7. The Corporation shall have the right to acquire, hold, and dispose of real and personal property, and to sue and be sued, and to contract, and generally shall have all the corporate powers necessary to the ends of this Act.

8. The general meeting of the said Corporation shall be held in each month, after such notice as may be required, and at such times in the City of Chicago as shall be directed by the laws of the Corporation then in force.

9. No person, otherwise competent to be a witness in any suit or prosecution in which the Corporation may be engaged, shall be deemed incompetent to be such witness by reason of his being or having been a member or officer of the Corporation.

10. The Corporation shall at all times when required so do by the Governor or the Legislature, make a full return of their property, real and personal, and of their receipts and disbursements for each period, and with such details and other information, as the Governor or the Legislature may require.

11. This Act shall be deemed a Public Act.

No. 53.

2nd Session, 1st Parliament, 32 Victoria, 1868

BILL.

An Act to Incorporate the St. Andrew's
Society of the City of Ottawa.

PRIVATE BILL.

Mr. Scott.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

2

Discharged

24

3 Dec

No. 54.]

BILL.

[1868.

An Act to give relief to Witnesses and Jurors who may, from alleged conscientious motives, refuse or be unwilling to be Sworn in Criminal and Civil proceedings.

WHEREAS divers persons refuse or are unwilling to be sworn, from conscientious motives, and it is expedient to give relief to such persons when they are required to be sworn in any Criminal or Civil proceeding, or to serve as Jurors in any of Her Majesty's Courts of Criminal or Civil Jurisdiction; Therefore Her Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Preamble.

1. If any person summoned or required to serve as a Juror, or to be sworn as a witness in any of Her Majesty's Courts of Criminal or Civil Jurisdiction in the Province of Ontario, shall refuse or be unwilling to be sworn, from alleged conscientious motives, it shall be lawful for the Court or Judge or other presiding officer or person appointed to administer the oaths to such juror or witness, upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn affirmation or declaration in the words following: "I, A. B., do solemnly, sincerely and truly declare and affirm that the taking of any oath is unlawful, according to my religious belief:
- 20 "I do solemnly, sincerely and truly declare and affirm that &c.

Certain Jurors and Witnesses may affirm, etc.

Which shall be deemed equivalent to an oath.

2. Whenever in any legal proceeding it may be necessary to state or allege that the jurors have been sworn, it shall not be necessary to specify that any particular juror or jurors has or have made such declaration or affirmation instead of having been sworn, but it shall be sufficient to state that the Jurors have been sworn or affirmed.

Form of entry in such cases.

3. This Act may be cited for all purposes as "the Jurors and Witnesses Affirmation Act of 1868.

BILL.

The Jurors and Witnesses Affirmation Act.

First reading, Nov. 19, 1868.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

12 " referred to Compt of the whole 20 " "
3 " 4 Dec "

No. 55.]

BILL.

[1868.

An Act to amend the Registry Act, and to further provide as to the Certificates of Married Women, touching their consent as to the execution on Deeds of Conveyance.

WHEREAS it is desirable to amend the Registry Law of Preamble.

Ontario, so far as to give certainty to the right of married women jointly with their husbands to execute certificates of discharge of Mortgage; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, hereby enact:

1. That from and after the passing of this Act, when any registered mortgage of lands wherein a married woman may happen to be a Mortgagee therein, or any Registered assignment of such mortgage wherein the assignee is a married woman shall have been satisfied, the Registrar, on receiving a certificate executed jointly by such married woman and her husband, in the form prescribed by the Registry Act of Ontario, shall register such certificate in the same manner provided by said Act for registering certificates of discharge of mortgage, and such certificate shall be deemed a discharge of such mortgage to the same effect as any other certificates registered under the said Act; and it shall not be necessary to produce any certificate of such married woman having been examined before any Judge or Justices of the Peace touching her consent therein in any wise.
2. In case more than one married woman executes the same deed of conveyance mentioned and referred to in the second section of Chapter eighty-five of the Consolidated Statutes of Upper Canada, the Judge or Justices of the Peace, therein mentioned, may include the examination of all such married women in one certificate in the form mentioned and set out in said section as far as applicable.

Mortgages, etc., to married women may be discharged by certificate of her and her husband.

One certificate may embrace examination of several married women.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend the Registry Act, and to further provide as to the Certificates of Married Women, touching their consent as to the execution on Deeds of Conveyance.

First reading, Nov. 19, 1868.

Mr. COYNE.

TORONTO.

PRINTED BY HUNTER, ROSE & CO.

2^d 12 December 1868
3rd 16

No. 56.]

BILL.

[1868.

An Act to incorporate the Peterborough and Haliburton Railway Company.

WHEREAS the construction of a wooden Railway from the Preamble.
Town of Peterborough, or from some point north of the
Town of Peterborough, on the Peterborough and Chemong
Railway, or the Cobourg and Peterborough Railway, to the
5 Town Plot of Haliburton, in the Township of Dysart, or to
some point beyond the Town Plot of Haliburton, in the County
of Peterborough, would develop the present resources of the
County of Peterborough, and open for settlement a large tract
of country now unimproved and waste, and it is expedient to
10 grant a charter for the construction of such Railway: There-
fore, Her Majesty, by and with the advice and consent of the
Legislative Assembly of Ontario, enacts as follows:

1. P. M. Grover, John Carnegie, jr., George Read, W. A. Incorpora-
Scott, Elias Burnham, W. H. Scott, James Stevenson, S. S. tion.
15 Peck, Nesbit Kirchoffer, Francis Beamish, A. T. H. Williams,
Alex. J. Cattnach, C. J. Blomfield, together with such persons
and corporations as shall, in pursuance of this Act, become
shareholders of the said Company hereby incorporated, are
hereby constituted and declared to be a body corporate and
20 politic of the name of the Peterborough and Haliburton
Railway Company.

2. The several clauses of the Railway Act of the Consoli-
dated Statutes of Canada and amendments, with respect to the
first, second, third fourth, fifth and sixth clauses thereof, and
25 also the several clauses thereof with respect to "Interpreta-
tion," "Incorporation," "Powers," "Plans and Surveys," "Lands
and their Valuation," "Highways and Bridges," "Fences,"
"Tolls," "General Meetings," "President and Directors, their
Election and Duties," "Calls," "Shares and their Transfer,"
30 "Municipalities," "Shareholders," "Action for Indemnity, and
Fines, and Penalties, and their Prosecution," "By-laws,"
"Notice, &c.," "Working of the Railway," and "General Pro-
visions," shall be incorporated with and be deemed to be part
of this Act, and shall apply to the said Company, and to the
35 Railway to be constructed by them, except only so far as they
may be inconsistent with the express enactments hereof, and
the expression "This Act," when used herein, shall be under-
stood to include the clauses of the said Railway Act so incor-
porated with this Act as aforesaid.

40 3. The said Company hereby incorporated, and their ser-
vants and agents, shall have full power under this Act to con-
struct a Railway from any point in the Town of Peterborough,

or from any point north of Peterborough, on the Peterborough and Chemong Railway, or the Cobourg and Peterborough Railway, to the Town Plot of Haliburton, in the Township of Dysart, as to the said Company may seem desirable, and with power to extend the said line of Railway to, or construct 5 branches thereof to any point within the County of Peterborough, north of Hall's Bridge, in the Township of Harvey, as may seem to the Company best adapted to attain the objects mentioned in the preamble, with full power to pass over such portions of the County of Peterborough, north of the Town of 10 Peterborough, as may be determined upon, and to carry the said Railway through the Crown Lands lying between the same.

Power to purchase steam vessels.

4. The said Company shall further have power to purchase, build, complete, fit out, and charter, sell, or dispose of, work 15 and control, and keep in repair one steam vessel or more, from time to time, to ply on the Rivers and Lakes adjacent to the said Railway, in connection with the said Railway, and also to make arrangements and agreements with steamboat proprietors by chartering or otherwise, to run other vessels on other Lakes 20 or Rivers connecting with the said Railway.

Gauge of Railway.

5. The gauge of the said Railway shall be five feet six inches, and the said Company may lay down rails of wood, iron, or other material in their discretion.

6. Conveyances of lands to the said Company, for the pur- 25 poses of this Act, may be made in the form set out in the schedule hereunder written, or to the like effect, and such conveyances shall be received by the several Registrars, and be registered by duplicates thereof in such manner, and upon such proof of execution as is required under the Registry Laws of 30 Ontario, and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Provisional Directors.

7. From and after the passing of this Act, the said P. M. 35 Grover, John Carnegie, jr., George Read, W. A. Scott, Elias Burnham, W. H. Scott, James Stevenson, S. S. Peck, Nesbit Kerchoffer, Francis Beamish, A. T. H. Williams, Alexander J. Cattanach, C. J. Blomfield, shall be Provisional Directors of the said Company. 40

Vacancies.

8. The said Provisional Directors shall have power, during their continuance in office, by the vote of the majority of them, to supply the place of any one or more of their number dying or declining to act, out of persons who shall subscribe for stock of the said Company to the amount at least of two hundred 45 dollars each.

Provisional Directors, powers, etc.

9. Such Provisional Directors shall, excepting so far as is by this Act excepted, have all the powers, rights, privileges and indemnities, and shall be subject to the same restrictions as elected Directors of the said Company would have, or be sub- 50 ject to under the provisions of this Act, and in this Act, the word "Directors" shall be held to apply, as well to each Provisional Director, as to elected Directors, unless especially restricted to either.

10. The capital of the Company hereby incorporated shall be two hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into four thousand shares of fifty dollars each, and shall
 5 be raised by the persons and corporations who may become shareholders in such Company; and the money so raised shall be applied, in the first place, to the payment of all expenses for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money
 10 shall be applied to the making, maintaining and working of the said Railway, and the other purposes of this Act, and to no other purpose whatever.

Capital of the Company \$200,000, with power to increase.

11. And it shall further be lawful for any Municipality or Municipalities, through any part of which, or near which, the
 15 Railway or works of the said Company shall pass or be situated, or which may be benefited thereby, to aid and assist the said Company by loaning or guaranteeing, or giving money by way of bonus or other means to the Company, or issuing Municipal bonds to, or in aid of the Company, and otherwise in such
 20 manner; and to such extent, as such Municipalities, or any of them, shall think expedient: Provided always, that no such aid, loan, bonus, or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the ratepayers, as provided in the Railway Act.

Municipalities may aid by bonus, etc.

25 12. Whenever any Municipality shall grant a bonus to aid the said Company in the construction and equipping of the said Railway, the Debentures therefore shall, within six weeks after the passing of the by-law, authorizing the same be delivered to three Trustees, namely Robert Denistoun, Robert Nichols, and
 30 a third to be appointed by the Company (who may be removed at pleasure by the said Company), and such Trustees shall receive the said Debentures in trust; Firstly, to convert the same into money; Secondly, to deposit the amount realized from the sale of the said Debentures in some one of the Chartered
 35 Banks, having an office in the Town of Peterborough, under the style of the Peterborough and Haliburton Railway Municipal Trust Account; and to pay the same out to the said Company from time to time, on the certificate of the Chief Engineer of the said Railway, in the form set out in Schedule "B" hereto,
 40 or to the like effect, to be expended by them *pro rata* on each mile of Railway built between the point of commencement, nearest to Peterborough and the Town Plot of Haliburton; and the said certificate of the Chief Engineer shall set out the portion of the Railway to which the money to be paid out is to be applied,
 45 the total amount expended on such portion to the date of such certificate, and that the sum so certified does not exceed the *pro rata* amount to be applied on the work done; the said certificate to be attached to the cheques of the said Trustees respectively, as they shall be drawn, and the wrongfully granting of any such certificate by such Engineer shall be a misdemeanour, punishable by fine and imprisonment by any Court of
 50 Competent Jurisdiction in the Province of Ontario. The Act of any two such Trustees to be as valid and binding as if the three had agreed.

Trustee clause.

55 13. As soon as shares to the amount of twenty thousand dollars of the Capital Stock of the said Company shall have

General meeting when to be called.

been subscribed, and ten per cent. thereof paid up *bona fide*; the Directors shall call a general meeting of the subscribers for the said Capital Stock, who shall have so paid up ten per cent. thereof for the purpose of electing Directors of the said Company.

5

May be called
by five sub-
scribers in
case of neglect
by Pro-
visional
Directors.

14. In case the Provisional Directors neglect to call such meeting for the space of three months after such amount of the Capital Stock shall have been subscribed and ten per cent. thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per cent., and who are subscribers among them for not less than one thousand dollars of the said Capital Stock, and who have paid up all calls thereon.

Notice of
General meet-
ing.

15. In either case, notice of the time and place of holding such general meeting, shall be given by publication in one news-15 paper in each of the Towns of Peterborough and Port Hope, once in each week, for the space of at least one month, and such meeting shall be held in the Town of Peterborough at such place therein, and on such day as may be named by such notice.

Election of
Directors.

16. At such general meeting the subscribers for the Capital 20 Stock assembled, who shall have so paid up ten per cent. thereof, with such proxies as may be present, shall choose nine persons to be Directors of the said Company and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

25

Qualification.

17. No person shall be qualified to be elected as such Director by the shareholders, unless he be a shareholder, holding at least ten shares of stock in the Company, and unless he has paid up all calls thereon.

Annual meet-
ings.

18. Thereafter, the General Annual Meeting of the share-30 holders of the said Company shall be held in such place in the town of Peterborough, and on such days, and at such hours as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least thirty days previously in the *Gazette*, and in one or more newspapers published in the 35 Counties of Peterborough and Durham.

19. Special General Meetings of the shareholders of the said Company may be held at such places in the town of Peterborough, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said Com-40 pany.

20. For the purpose of constructing, maintaining and using the said Railway, and other works necessary for the proper construction, maintenance and use thereof, the Directors of the said Company may raise in such manner, by loan or by sub-45 scription of stock, and issuing of shares, or otherwise, as they may deem expedient; such capital sum as mentioned above such shares to be issued in sums of fifty dollars each as aforesaid.

21. The Directors may from time to time execute, issue and deliver such stock, scrip certificates, bonds, debentures, mort-50 gages, or other securities as they may deem expedient for rais-

ing the said capital sum for the time being, authorized to be raised by the said Company, or for raising any part thereof.

22. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed, or any such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a quorum of the Directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President, or the Secretary and Treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors, as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said Company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

23. All such bonds, debentures, mortgages and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer, and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name.

24. Every subscriber for, or holder of one or more shares of the said Capital Stock, shall, at any general meeting of the shareholders, be entitled to one vote for every share subscribed for or held by him.

25. Any meeting of the Directors of the said Company regularly summoned, at which not less than five Directors shall be present, shall be competent to exercise, and use all, and every of the powers hereby vested in the said Directors.

26. On the subscription for shares of the said Capital Stock, each subscriber shall pay forthwith to the Directors, for the purposes set out in this Act, ten per cent. of the amount subscribed by him, and the said Directors shall deposit the same in some chartered bank to the credit of the said Company, and no subscriber shall be entitled to vote on the stock subscribed for by him, until such ten per cent. be *bona fide* paid.

27. Hereafter calls may be made by the Directors, for the time being, as they shall see fit, provided that no calls shall be made at any one time of more than ten per cent. of the amount subscribed by each subscriber.

28. Whenever, for the purpose of procuring sufficient lands for stations or gravel pits, or other purposes for constructing, maintaining and using the said Railway, it shall be necessary to purchase more land than is required for such stations, or gravel pits or other purposes; it is enacted that the said Com-

pany may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their Railway, in such manner, and for such purposes connected with the constructing, maintenance or use of the said Railway, as they may deem expedient, and to sell and convey the same, or parts thereof, from time to time, as they may deem expedient. 5

29. All laws of the Province of Ontario inconsistent with this Act are hereby repealed, in so far as this Act is concerned.

30. The Interpretation Act shall apply to this Act.

SCHEDULE A.

KNOW ALL MEN BY THESE PRESENTS, that I (or we) [*insert also the name of wife or any other person who may be a party*] in consideration of _____ dollars paid to me (*as the case may be*) by the Peterborough and Haliburton Railway Company, the receipt whereof is hereby acknowledged, do grant and convey [*and I the said _____ do grant and release, or do bar my dower in, as the case may be*] all that certain parcel [*or those certain parcels, as the case may be*] of land, situate, [*describe the land,*] the same having been selected and laid out by the said Company for the purposes of their Railway, to hold with the appurtenances unto the said, the Peterborough and Haliburton Railway Company, their successors and assigns.

As witness my (or our) hand and seal (*or hands and seals*), this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered in the presence of

(L. S.)

SCHEDULE B.

Chief Engineer's Certificate.

Peterborough and Haliburton Railway Company's Office.

Engineer's Department, Peterborough, 186

No.

Certificates to be attached to cheques drawn on the Peterborough and Haliburton Railway Municipal Trust account in Trustees hands, and given under Sections _____ of Cap. _____ Vic.

I, _____ Chief Engineer for the Peterborough and Haliburton Railway, do hereby certify that there has been expended in the construction of mile No. _____ (the said mileage being numbered consecutively from the point of commence-

ment hereof to the Town of Peterborough) the sum of dollars to date, and that the total *pro rata* amount due for the same from the said Municipal Trust account, amounts to the sum of ~~11111.11~~ dollars, which said sum of ~~11111.11~~ dollars is now and due, and payable as provided under the said Act.

Chief Engineer.

BILL.

An Act to incorporate the Peterborough and
Haliburton Railway Company.

PRIVATE BILL.

MR. CARNEGIE.

TORONTO

PRINTED BY HUNTER, ROSE & CO.

2

3 December 1868

3

No. 57.]

BILL.

[1868.]

An Act respecting "The Colonial Securities Company (Limited)" to facilitate proof of its Incorporation for the execution of Instruments, and for other purposes.

WHEREAS the Colonial Securities Company (limited) was duly incorporated under the provision of the Imperial Joint Stock Companies Act, 1862. Preamble.

And whereas the memorandum of Association of the said Company and the articles of Association thereof were duly registered under the said Act, by the Registrar of Joint Stock Companies, on the fifth day of November, one thousand eight hundred and sixty four.

And whereas some of the objects for which the said company was established were the transaction of the business then being carried on by the Canada Agency Association Limited, and the purchase and acquisition of that business and the investment of moneys on account of other persons or Companies investing moneys through the agency of the said company on the security of real or other property in any British Colony or Dependency of the British Crown.

And whereas the said Company hath been and is engaged in carrying on its said business in the Province of Ontario.

And whereas the mortgages and securities for moneys invested on real estate by the Canada Agency Association Limited, and by the Colonial Securities Company Limited, respectively were taken, and are held in the names of the Trustees appointed by the said companies respectively.

And whereas the said Company hath petitioned for an Act to facilitate the proof of its incorporation, for the execution of instruments, and otherwise to enable it more easily to carry on its transactions, and it is expedient to comply with such petition; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Colonial Securities Company Limited may by any instrument under its corporate seal, from time to time, appoint one or more Attorney or Attorneys, Trustee or Trustees in this Province, by whom the said Company may execute all such deeds, conveyances, leases, discharges of mortgages and other instruments of any kind as may be necessary in carrying on the objects of the said Company.

Attorneys and Trustees may be appointed by deeds, etc., may be executed.

Who may have the custody of the Company's seal, etc.

2. The said Company may commit to the custody of such Attorney or Attorneys, Trustee or Trustees for the time being, an official seal for the purpose of executing such deeds and instruments as aforesaid, and such seal from time to time may break, alter or renew, and such seal shall be deemed and taken 5 to be the Corporate Seal of the said Company for the execution of instruments within this Province, and every deed, conveyance, lease, discharge of mortgage or other written instrument of any kind purporting to be under the Corporate Seal of the said Company or under the aforesaid Official Seal of the said 10 Company, entrusted to such Attorney or Attorneys, Trustee or Trustees shall be receivable in evidence as *prima facie* proof in any Court of Law or Equity, or in any legal or equitable proceeding, or before any Court or Tribunal in this Province that such deed, conveyance, lease, discharge of mortgage or other 15 written instrument has been duly executed by the said Company without any proof of the said Corporate or Official Seal, or either of them or of the appointment, signature or official character of the person or persons purporting to have affixed such seal or seals, or to have acted as such Attorney or Attorneys, 20 Trustee or Trustees.

Instruments under such seal deemed duly executed.

3. Any deed, conveyance, lease discharge of mortgage or other instrument purporting to be under the corporate seal of the said Company, or under the official seal of the said Company, now or hereafter to be used by the Attorney or Attorneys 25 Trustee, or Trustees of the said Company in this Province, under the foregoing provisions of this Act, shall be considered as duly executed by the said Company or their said Attorney, or Attorney's Trustee or Trustees as the case may be, for registration purposes upon being produced to the proper Registrar in 30 that behalf, without any further proof or verification, provided the same is otherwise in accordance with the registry laws in force, and such Registrar shall register the same without any further proof of such corporate or official seal or other proof whatever. 35

Verified copy of articles of association may be registered, etc.

4. The said Company may register a copy of their Memorandum and Articles of Association, verified under their corporate seal, in the office of the Registry of Deeds in and for the city of Toronto, and a printed or written copy of such Memorandum and Articles of Association, certified by the Registrar of the City of Toronto under his hand, to be a true copy of the said Memorandum and Articles of Association as registered in his office, shall be *prima facie* evidence of the same respectively, and of all the particulars contained therein respectively in any Court of law or equity or in any judicial proceeding, or before any Court or Tribunal in this Province in any said matter or cause whatsoever. 45

Mortgages, etc.; Canada Agency; association vested Colonial Securities Company, etc.

5. All lands, mortgages, securities, leases, bonds or other instruments or effects heretofore or now held by or in the name or names, of the Trustees or Trustee of the Canada Agency 50 Association (Limited), or of the said Colonial Securities Company (Limited) respectively, shall be deemed and taken to be vested in the Colonial Securities Company (Limited), so that the same may be sold, assigned, conveyed, collected realized, dealt with, released or discharged by the Colonial Securities Company (Limited) under the provisions of this Act, and all

releases and discharges, if any, of the said mortgages or securities executed by the Trustee or Trustees, Attorney or Attorneys of the said Company shall be valid and effectual for revesting the title to the mortgaged lands and premises conveyed or assigned by any mortgage so released and discharged in the mortgagor, his heirs or assigns.

of the said Company shall be valid and effectual for revesting the title to the mortgaged lands and premises conveyed or assigned by any mortgage so released and discharged in the mortgagor, his heirs or assigns.

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of the said Company shall be valid and effectual for revesting the title to the mortgaged lands and premises conveyed or assigned by any mortgage so released and discharged in the mortgagor, his heirs or assigns.

No. 57.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act respecting the Colonial Securities
Company Limited.

PRIVATE BILL.

First reading, Nov. 20, 1868

MR. CARNEGIE

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend Chapter 57 of the Consolidated Statutes of Upper Canada, intituled "An Act respecting Line Fences and Watercourses.

WHEREAS it is expedient to amend the Act chaptered fifty-seven of the Consolidated Statutes of Upper Canada, by making the provisions thereof applicable to unoccupied or non-resident lands, and the owners thereof; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Except as hereinafter provided, the provisions of the said Act shall be construed to apply to unoccupied and non-resident lands, and to the owners thereof, to the same extent as to occupied lands and the occupants thereof, and the fence-viewers shall in like manner, as in other cases, determine the share of the expense of any fence or watercourse made under said Act as hereby amended, which is to be borne by the owner of such unoccupied or non-resident land, and report the same to the Justice, who shall transmit such report to the Clerk of the Municipality.

Provisions of ch. 57 Consolidated Statutes of Upper Canada to apply to unoccupied lands etc.

2. The Clerk shall bring such report before the Council of the Municipality at its first meeting after the receipt thereof, and the Council shall cause the amount so reported to be paid to the party entitled thereto, together with a proportionate share of the costs attending the investigation and report.

Fence viewer's report to be brought before Municipal Council, who shall pay, etc.

3. Forthwith after such payment, the Clerk shall transmit to the County Treasurer an account of the amount and date of such payment, and the land against which the same is chargeable; and the County Treasurer shall, upon receipt thereof, charge the same against such land in the same manner as the Wild Land Tax, and the same shall thereupon become, to all intents and purposes, a charge upon the said land, and shall be subject to the provisions of the statutes respecting such tax, and shall be collected by distress, or by the sale of such land, in the same manner as such tax is now or may hereafter be directed to be collected.

Amount to be charged on the lands, etc., like terms.

4. In collecting the amount of such charge, there shall be added to the same eight per cent. thereof, and all fees and incidental expenses in the same way, and to the same amount, as in the case of such tax.

Interest and fees to be added.

5. Where the owner of such unoccupied or non-resident land cannot be found after reasonable diligence, or is absent from Ontario, it shall be in the power of the Justice to cause such

If owner not found, to be notified by letter.

owner to be notified by letter, mailed to his last known place of residence, and to proceed and to cause all subsequent proceedings to be taken in his absence, and all such proceedings shall be as valid, as if the notification required by said Act to be given to an occupant had been given to such owner.

5

6. This Act shall be read as if it were a part of the Act hereby amended.

2nd Session, 1st Parliament, 32 Victoria, 1868.

No. 58.

BILL.

An Act to amend Chapter 57 of the Consolidated Statutes of Upper Canada, intituled "An Act respecting Line Fences and Warcouruses."

First reading Nov. 20, 1868.

Mr. CURRIE.

TORONTO:
PRINTED BY HUNTER, ROSE & CO.

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No. 59.] **BILL.** [1868.

An Act to amend the Act entitled "an Act respecting the Survey of Lands in Upper Canada, now the Province of Ontario."

WHEREAS sections numbers twenty-six and twenty-seven of the Act, Chapter 93 of the Consolidated Statutes of Upper Canada are intended to contain the same provisions as the thirty-sixth section of Chapter thirty-five of the Acts passed in the twelfth year of Her Majesty's reign, but do not correctly preserve the enactment of the last mentioned section as to the mode of survey in cases in which the front line of a single-fronted concession has not been run in the original survey, and it is desirable to amend the said first mentioned Act, so as to correct the said error, and also so as to remove doubts as to the mode of running the side lines of the broken lots in those townships which are bounded in part, though not wholly, by a river or lake, where no posts or other boundaries were planted in the original survey on the bank of the river or lake, to regulate the width in front of the lots broken by the river or lake; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The twenty-seventh section of the Act Chapter ninety-three of the Consolidated Statutes of Upper Canada is hereby repealed.

2. The following words which formed part of the said repealed section shall be added to and form part of the twenty-sixth section of the said Act: "And when the line in front of any such concession was not run in the original survey, the division or side lines of the lots in such concession shall be run from the original posts or monuments placed or planted on the front line of the concession in the rear thereof, parallel to the governing line determined as aforesaid, to the depth of the concession—that is, to the centre of the space contained between the lines in front of the adjacent concessions, if the concessions were intended in the original survey to be of an equal depth, or if they were not so intended, then to the proportional depth intended in the original survey, as shown on the plan and field notes thereof of record in the office of the Commissioner of Crown Lands, having due respect to any allowance for a road or roads made in the original survey, and a straight line joining the extremities of the division or side lines of any lot in such concession, drawn as aforesaid, shall be the true boundary of that end of the lot which was not run in the original survey."

3. The following shall be the twenty-seventh section of the said Act, Chapter ninety-three:

Mode of
running side
lines of
broken front
lots.

"27. In those townships in Ontario which are bounded in any part by a river or lake, where no posts or other boundaries were planted in the original survey on the bank of such river or lake to regulate the width in front of the lots broken by the river or lake, the division or side lines of such broken lots shall be drawn from the posts or other boundaries on the concession line in rear thereof parallel to the governing line, determined as aforesaid, to the river or lake in front."

C. S. U. Can.,
c. 77, ss. 78
and 79 am-
ended to cor-
respond with
above amend-
ments.

4. The seventy-ninth section of the Act, Chapter seventy-seven of the Consolidated Statutes of Canada, which corresponds with the said repealed section twenty-seven is also hereby repealed, and the words added as aforesaid to the said twenty-sixth section shall also be added to and from part of section seventy-eight of the said Chapter seventy-seven, and the said new section twenty-seven shall also be section seventy-nine of the said Chapter seventy-seven.

No. 59.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend the Act entitled "An Act respecting the Survey of Lands in Upper Canada, now the Province of Ontario."

First reading, Nov. 20th, 1868.

Mr. FYRE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

Reading 20 November 1888
Dropped 23 January 1889

No. 60.] **BILL.** [1868.]

An Act for the further Improvement of the Cobourg Harbour.

WHEREAS the Commissioners of the Cobourg Town Trust have by their Petition represented that in view of an anticipated increase of business in the shipment of iron ore and lumber over the Harbour at Cobourg, it has become necessary to deepen and otherwise improve the same, and it is therefore expedient to authorize the issue of a certain amount of debentures to be chargeable upon the property of the Cobourg Town Trust, in order that funds may be raised for the aforesaid purpose; therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. It shall be lawful for the Town Council of Cobourg, from time to time, and as they shall be required by the said Commissioners to issue a further amount of Town Trust Debentures, not to exceed thirty thousand dollars (\$30,000,) over and above the sum they are now authorized to issue, which Debentures shall be a second charge upon the Trust Property and revenues vested in the Commissioners, after the interest and the Sinking Fund on the fifty thousand pounds (£50,000) sterling of Debentures authorized to be issued by the Act of the late Province of Canada, intituled "an Act to consolidate the Debt of the Town of Cobourg, and to authorize the issue of Debentures on the security of the Town Property and for other purposes," shall have been fully provided for, and such further and additional Debentures shall on the face thereof respectively express that they are second-class Debentures, secured on the property and revenues of the Town Trust and all the provisions of the said cited Act shall apply thereto, excepting only that provision shall first be made for the payment of the interest and sinking fund on the first-class Debentures.

2. The said second-class Debentures when so issued, shall be handed to the Commissioners of the Cobourg Town Trust to be by them negotiated or applied for the exclusive purpose of deepening, repairing and improving the Cobourg Harbour, and for no other purpose, and the same may be made to bear any rate of interest not exceeding eight per centum per annum.

3. Nothing in this Act shall be construed so as to impair or lessen the security of the first-class Debentures, which are to be the first charge upon the Trust.

4. This Act shall be deemed a Public Act.

BILL.

An Act for the further Improvement of the
Cobourg Harbour.

PRIVATE BILL.

1st Reading, 20th November, 1868.

Mr. FRASER.

TORONTO

PRINTED BY HUNTER, ROSE & Co.

Preamble not proved.

8 December 1868

No. 61.]

BILL.

[1868.

An Act to change the name of the Caledonia Springs Hotel Company, to authorize the said Company to borrow money, and for other purposes.

WHEREAS the Caledonia Springs Hotel Company, a body corporate and politic, duly incorporated under and by virtue of Letters Patent under the great seal of the late Province of Canada, dated the seventeenth day of August, one thousand eight hundred and sixty-six, represent by their petition that they are desirous of altering the name of the said Company, of selling and dealing in the medicinal waters produced at the Caledonia Springs, of exploring for mining, boring and working deposits of peat and of salt upon their property at Caledonia, and of borrowing the sum of twenty-five thousand dollars for the purposes of the said Company; and whereas it is expedient to grant such prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Ontario, enacts as follows:

1. The corporation constituted under and by virtue of the said Letters Patent by and under the name of the "Caledonia Springs Hotel Company," shall, from and after the passing of this Act, be known as "The Caledonia Springs Company," and by that name shall exercise all the rights, hold all the property, and be subject to all the liabilities and remedies of and against the Caledonia Springs Hotel Company.

Name of corporation changed.

2. The said Company, acting by its Board of Directors, under the authority of a resolution passed at any special meeting of the shareholders thereof, called for the purpose, or at any annual general meeting of such shareholders, may borrow money to the extent of twenty-five thousand dollars, for the purposes of the said Company; and as security for moneys so borrowed, may mortgage the whole, or any part of its real or personal estate, chattels and effects, and may issue debentures under the seal of the Company, and under the signature of the proper officers thereof, pledging all the real and personal estate of the said Company for payment of principal and interest accruing due on the same; provided always, that the said debentures are for amounts not less than one hundred dollars, and that a certificate executed in like manner as the debentures themselves, of the number and amount of such debentures, as they are issued, shall be filed in the office for the Registration of Titles to lands in the town of L'Orignal, which certificate shall be open to the inspection of any person on the payment of twenty-five cents for each inspection.

Company authorized to borrow money.

3. The Company may deal in and sell the medicinal waters May deal in

medicinal
waters, etc.

produced at the Caledonia Springs, in the County of Prescott, in this Province, and may establish such agents for the sale thereof elsewhere as may be deemed expedient; and it may also explore for, mine and work any deposits of peat and of salt at and in the vicinity of the said Caledonia Springs, but within the limits of the said County of Prescott. 5

4. This Act shall be a Public Act.

No. 61.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to change the name of the "Caledonia Springs Hotel Company," to authorize the said Company to borrow money, and for other purposes,

PRIVATE BILL.

First reading, Nov. 23, 1868.

Mr. Boyd.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

Receiving 25 November 1868
" 4 December "
" 19 January 1869

Mr. RICHARDS, 2^d Sess. 1st Parl'm.
32 Vict. 1868

No. 62.] BILL. [1868.

An Act relative to Mining.

HER MAJESTY, by and with the advice and consent of the Preamble.
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. This Act may be known and cited as "The General Title of Act.
5 Mining Act of 1868." ? (1868)
2. The Act known as "The Gold and Silver Mining Act of The Gold and
1868" is hereby repealed, but the Statutes mentioned in the Silver Mining
first section of the said Act and thereby repealed shall continue Act of 1868
repealed.
- 10 3. All Royalties, Taxes or Duties which by any patent or All Royalties,
patents heretofore issued, are reserved, imposed or made payable etc., imposed
upon, or in respect of any ores or minerals extracted from the lands by any Patent
granted by such patents, and lying within this Province, are repealed.
hereby repealed and abandoned, and such lands, ores, and min-
15 erals shall henceforth be free and exempt from every such
Royalty, Tax or Duty.
4. All reservations of gold and silver mines contained in any Reservations
patent or patents heretofore issued, granting in fee simple any of Gold and
land or lands situate within this Province, are hereby rescind- Silver Mines
20 ed and made void, and all such mines in or upon any such in any Patent
lands shall henceforth be deemed to have been granted in fee heretofore
simple as part of such lands, and to have passed with such issued
lands, to the subsequent and present proprietors or owners rescinded.
- 25 5. No reservation or exception of gold, silver, iron, copper, or No reserva-
other mines or minerals shall hereafter be inserted in any tions of mines,
patent from the Crown granting any lands in this Province etc., to be
sold as mining lands. hereafter in-
serted in
Patents of
mining lands.
6. Any person or persons may explore for mines or minerals Any person
30 on any unsold Crown lands, surveyed or unsurveyed, not in the may explore
actual use or occupation of the Crown or of any Public Depart- on Crown
ment and not under lease or license from the Crown, or the Lands for
Commissioner of Crown Lands, and not for the time being mines or
marked or staked out and occupied as hereinafter mentioned. minerals.
- 35 7. Crown Lands supposed to contain mines or minerals may Crown Lands
be sold as mining lands, or may when situate within any min- may be sold
ing division be occupied and worked as "Mining Claims" under as mining
miners licenses as hereinafter provided. lands or work-
ed as miners'
claims.

Lands sold in unsurveyed Territory to be called mining locations.

Form and size of Mining Locations.

On Territory bordering on lakes Superior and Huron, French River, &c.

When such locations border on lakes and rivers in said Territory.

In Townships in said Territory surveyed in sections.

Reservation for roads to be wanted on Patents.

In other unsurveyed Territory.

Mining Locations in unsurveyed Territory to be surveyed at cost of applicant.

Pine trees be sawed.

8. Such lands so sold when situate in unsurveyed territory, or in townships surveyed in sections, shall be sold in blocks to be called "Mining Locations."

9. Mining Locations under this Act shall conform to the following requirements:—

1. In the unsurveyed lands in the Territory to the north or north-west of the River Mattawa, Lake Nipissing and the French River, (and which includes the territory bordering with Lakes Superior and Huron, and the River St. Mary) every regular Mining Location shall be rectangular in shape, eighty chains in length by forty in width, containing three hundred and twenty acres, and the bearings of the outlines of such Location shall be due north and south and due east and west astronomically, the length to be run north and south. 5

2. When a Mining Location in the unsurveyed lands in the Territory aforesaid borders upon a Lake or River, an allowance of one chain in width shall be reserved along the margin of such lake or river, and the width of the location shall front on said road. 15

3. In the Townships in said Territory surveyed, or hereafter to be surveyed in sections, every Mining Location after such survey shall consist of half of a section, divided by a line run north and south, except when the section borders on a lake or river, when the section shall be divided north and south, or east and west, whichever will give the narrowest frontage on such lake or river. 25

4. In all Patents for such Mining Locations in the Territory aforesaid there shall be a reservation for roads of five per cent of the quantity of land professed to be granted.

5. In the unsurveyed lands not situate within the limits of 30 the Territory aforesaid Mining Locations shall be as may be defined by any order in Council hereafter to be made.

10. Mining Locations in unsurveyed territory shall be surveyed by a Provincial Land Surveyor, and be connected with some known point in previous surveys, (so that the tract may be laid down on the office maps of the Territory in the Crown Lands Department,) at the cost of the applicants, who shall be required to furnish with their application the Surveyor's plan, field notes, and descriptions thereof, showing a survey in accordance with this Act, and to the satisfaction of 40 the Commissioner of Crown Lands.

11. The price of all Crown lands to be sold as Mining Locations in the said Territory, numbered in sub-section one of the ninth Section of this Act shall be per acre. 45

12. The Patents for all Crown lands, hereafter to be sold as mining lands, shall contain a reservation of all pine trees standing, or being on said lands, which pine trees shall continue the property of Her Majesty; and any person now, or hereafter, 50 holding a license to cut timber, or saw-logs, on such lands, may

at all times, during the continuance of such license, enter upon such lands, and cut and remove such trees, and make all necessary roads for that purpose, but the Patentees, or those claiming under them, may cut and use such trees as may be necessary for the purpose of building, fencing, and fuel, on the land so patented, and may also cut and dispose of all trees required to be removed, in actually clearing said land for cultivation, but no pine trees (except for the necessary building, fencing, and fuel as aforesaid) shall be cut beyond the limit of such actual clearing, and all pine trees so cut and disposed of (except for the necessary building, fencing, and fuel as aforesaid) shall be subject to the payment of the same dues, as are at the time payable by the holders of licenses to cut timber or saw logs.

Patentees may use timber for building and fencing, &c., on the land. May also cut and dispose of timber within limits of actual clearing. Timber cut to be subject to dues.

13. The Lieutenant-Governor in Council, may, from time to time, by Order in Council, declare such tract of country as may be described in and by such Order in Council a "Mining Division" and by any other subsequent Order or Orders in Council from time to time may extend, add to, or diminish the limits of such division, or may otherwise amend, or may cancel such Order in Council; and from and after the publication in the *Ontario Gazette* of any such Order in Council, the mining division therein mentioned and described, and all mines situate in such division, shall be subject to the provisions of this Act, and to any regulations to be made under this Act.

Mining divisions, how to be declared.

Effect of such declaration.

14. The Lieutenant-Governor may appoint for each mining division, or for any part thereof, an Inspector and such other officer or officers as he shall deem necessary for the purposes of this Act, who shall respectively be under the direction of the Commissioner of Crown Lands, and by Order in Council may prescribe their duties and fix their titles and salaries; and every such Inspector shall be *ex officio* a Justice of the Peace of the County or United Counties, District or Districts, which a mining division may comprehend or include, in whole or in part, or in which, or in any portion of which, a mining division may lie; and it shall not be necessary that any such Inspector shall possess any property qualification whatever in order to enable him lawfully to act as such Justice of the Peace; and every such Inspector shall have jurisdiction as a Justice of the Peace over all the territory comprised within the division for which he may be appointed, with power to settle summarily all disputes as to extent or boundary of claims, use of water, access thereto, damage by licensees to others, forfeiture of licenses, and generally to settle all difficulties, matters or questions, which may arise under this Act, or offences against any of the provisions of this Act, or the regulations to be made under it; and the decision of any such officer, in all cases under this Act, shall be final, except when otherwise provided by this Act, or when another tribunal is appointed under the authority of this Act; and no case under this Act shall be removed into any court by writ of *certiorari*.

Appointment and powers of officers of mining divisions.

Decisions final.

No *Certiorari*.

15. Any complaint or dispute for, or in respect of wages between persons engaged in mining within any mining division, or their agents or representatives, and the laborers or servants employed by them, may be heard and determined before the Inspector for such division, who may, by summons, require the attendance of the defendant before him, and upon proof of the

Disputes between masters and labourers, etc., in Gold Mining Division may be determined

by Officer of division. Proceedings in such case. Levying sum adjudged. service of such summons may, either in the absence or presence of the defendant, determine such complaint in a summary manner, on the oath of any one or more credible witness or witnesses, to be sworn before him, and may levy such sum as he may adjudge to be due by such person, or his agent or representative to such laborer or servant, together with the costs of service by warrant of distress and sale of the defendant's goods and chattels.

Miner's Licenses to be granted. **16.** The Inspector of any Mining Division may, on payment to him of a fee of *any* Dollars, grant to the party applying for the same, a License to be called a Miner's License, which may be in the following form :

PROVINCE OF ONTARIO.

Form of License. No. *(Name of Division)*. Mining Division. \$ 186 , 15
Date, Miner's License—Not Transferable.

Issued to A. B., under the provisions of the General Mining Act of 1868, to be in force for one year from the date hereof.

C. D. Inspector of

Mining Division. 20

Duration, etc., of License. **17.** Such Miner's License shall be in force for one year from the date thereof, and shall not be transferable, and only one person shall be named therein, who shall be called the Licensee, and who before the expiration of said license, or within not later than ten clear days thereafter, shall have the right to a renewal of said license by the Inspector for the Division on payment to him of the like fee of *any* Dollars, or such other sum as shall then be the fee fixed by law for miners' licenses. 25

Licensee may explore and mine under Miner's license. **18.** A Miner's License shall authorize the Licensee personally, and not through another or others, to mine during one year from the date of said License, on any unsold Crown Lands within the mining division therein mentioned, and not for the time being marked or staked out and occupied as hereinafter mentioned by any other Licensee under this Act. 30

May mark out claim. **19.** Such Licensee shall have the right to mark or stake out one mining claim on such unsold Crown Lands, within such mining division, by planting a wooden or iron picket at each of the four corners thereof, or otherwise marking the same as may be directed by any Order in Council, and to work the same. 40

Dimensions of claims. **20.** Each mining claim shall be of the following dimensions viz :—

For any one person, two hundred feet along a vein or lode, by one hundred feet on each side thereof, measuring from the centre of the vein or lode. 45

Companies of two or more persons, who each hold a miner's license, may stake out and work additional feet along a vein or lode by the above width in the proportion of one

hundred additional feet in length for every additional miner, not to exceed one thousand feet in length altogether, and work the claim jointly.

21. Mining claims shall be laid out as far as possible uniformly, and in quadrilateral and rectangular shapes; measurements of all mining claims shall be horizontal; and the ground included in every such claim shall be deemed to be bounded under the surface by lines vertical to the horizon.

Rules as to laying out claims.

22. A mining claim shall be deemed to be forfeited and abandoned, and to be open to occupation by any Licensee, or subject to any sale made by the Crown, when the same shall have remained unworked for the space of two weeks, unless sickness or other reasonable cause to the satisfaction of the Inspector for the Division be shown, or in case the Licensee has neglected or failed to comply with the requirements of this Act, and the regulations to be made under it, or has not regularly renewed his license.

Forfeiture of claims.

23. No person shall occupy at the same time more than one mining claim on Crown Lands, except in the cases hereinafter provided for of registration of claims rendered temporarily unworkable.

No person to occupy more than one claim at one time : exception.

24. Every Licensee will be held and required to produce and exhibit his license to the Inspector for the Division, and to prove, to the satisfaction of the inspector, that such license is in force, whenever required to do so by him.

License to be exhibited to officer, on demand.

25. The discoverer of any new mine shall be entitled to two mining claims of the area prescribed by this Act, or by any regulation which may be issued under it, and in force when such discovery may be made; Provided that such discovery shall have been immediately reported to the Inspector of the division; and any one not immediately reporting such a discovery, shall not be allowed to mine on any Crown Lands for one year.

Right of discoverer of a new mine. Proviso : he must report it.

26. No person shall be considered the discoverer of a new quartz mine, unless the place of the alleged discovery shall be distant, if on a known vein or lode, at least three miles from the nearest known mine on the same vein or lode, and if not on a known vein or lode, at least one mile at right angles from the course of the nearest known vein or lode.

What shall be deemed a discovery.

27. A party wall of at least three feet thick shall be left between each holding on Crown Lands, which said party wall shall be used in common by all parties as a mode of access to the stream, where one exists; and such party wall shall not be obstructed by any person or persons throwing soil, stone or other material thereon; and every person or persons so obstructing such party wall, shall, upon conviction before the Inspector for the Division, be liable to a fine of not more than five dollars, and costs; and in default of payment of such fine and costs he may be imprisoned for any period not more than one month.

Party walls to be left between claims, and kept clear.

Penalty for contravention

28. If at any time it shall be found necessary or expedient to remove a party wall as aforesaid, the party so removing it

Party removing party wall to construct a

new mode of access to water. shall, if required so to do, construct a new mode of access to the water in no wise more difficult as an approach than the one destroyed by the removal of the party wall, under a like penalty as provided in the next preceding section; and in case of a removal of a party wall the minerals found therein shall belong to the owners of the adjoining claims, each of whom shall own the half next to his claim. 5

Crown Lands licenses not to damage other claims. 29. No person mining upon any Crown Lands shall cause any damage or injury to the holder of any other claim than his own, by throwing earth, clay, stones or other material upon such other claim, or by causing or allowing any water which may be pumped or bailed or may flow from his own claim to flow into or upon such other claim, under a penalty of not more than five dollars, and costs; and in default of payment of such fine and costs, he may be imprisoned for any period not more than one month. 15

Penalty. Provision for registration of claim rendered unworkable for a time. 30. Any person occupying a mining claim on Crown Lands which, in consequence of excess of water or other unavoidable reasons satisfactory to the Inspector for the Division, cannot then be worked, may, upon payment of one dollar register his right to such claim in the Office of the Inspector for the Division, in a book to be kept for that purpose, and may then proceed to work elsewhere; but in case such person do not return and occupy the claim so registered, within two weeks after the surrounding claim or claims have been shewn to be workable, he shall forfeit all right and title to said claim; Provided that every person so registering a claim shall be held to plant a wooden or iron picket in the centre thereof, or as near the centre thereof as possible, upon which shall be cut or painted, in legible figures, the registration number of said claim. 25 30

Penalty for removing picket. 31. Any person found removing or disturbing, with intent to remove, any stake, picket, or other mark placed under the provisions of this Act, shall forfeit and pay a sum not exceeding twenty dollars and costs, and in default of payment of such fine and costs, may be imprisoned for any period not exceeding one month. 35

Appointment of Constables in Gold Mining Divisions. 32. Each Inspector appointed in and for a Mining Division under this Act, may appoint any number of Constables not exceeding four; and the persons so from time to time appointed, shall be and they are hereby constituted respectively Constables and Peace Officers for the purpose of this Act, for and during the terms and within the Mining Divisions for which they may be appointed respectively. 40

Act respecting riots near public works may be brought into force in Gold Mining Divisions. 33. The Lieutenant-Governor in Council may, as often as occasion requires, declare by Proclamation that he deems it necessary that the "Act respecting Riots near Public Works," being chapter twenty-nine of the Consolidated Statutes of Canada, should, so far as the provisions therein are applicable, be in force within any Mining Division or Divisions; and upon, from and after the day to be named in any such Proclamation, the said Act shall, so far as the provisions thereof can be applied therein, take effect within the Mining Division or Mining Divisions designated in such Proclamation, and the provisions of the said Act shall apply to all persons employed 45 50

in any mine, or in mining within the limits of such Mining Division or Divisions, as fully and effectually to all intents and purposes as if persons so employed had been specially mentioned and referred to in the said Act.

5 1. And the Lieutenant-Governor in Council may, in like manner, from time to time, declare the said Act to be no longer in force in such Mining Division or Divisions; but this shall not prevent the Lieutenant-Governor in Council from again declaring the same to be in force in any such Mining Division
10 or Mining Divisions;

And declare it
not in force,
etc.

2. But no such Proclamation shall have effect within the limits of any City.

Cities
excepted.

34. The Lieutenant-Governor in Council may, from time to time, make all and every such regulation and regulations
15 as he may deem necessary or expedient, for the appointment of Arbitrators or Mining Boards to hear and determine appeals from the decisions of Inspectors of Division, and for the prescribing, defining and establishing the powers, duties and mode of procedure of such Arbitrators or Mining Boards;
20 for the construction and maintenance of roads through the Mining Divisions, and generally for the purpose of carrying out this Act: and such regulations, after publication in the *Ontario Gazette*, shall have the force and effect of law.

Lieut.-Gov. in
Council may
make regula-
tions for cer-
tain purposes,
which shall
have force of
law.

35. Every person contravening this Act, or any rule or regulation made under it, in any case where no other penalty or punishment is imposed, shall, for every day on which such contravention occurs or continues or is repeated, incur a fine of not more than twenty dollars and costs; and in default of payment of such fine and costs he may be imprisoned for a term of
30 not more than one month.

Penalty for
contravening
this Act, when
no other is
provided.

36. Any Inspector for a Mining Division may convict upon view of any of the offences punishable under the provisions of this Act, or regulations made under it.

Officer may
convict on
view.

37. The contravention on any day of any of the provisions of this Act, or of any regulation made under it, shall constitute a separate offence and may be punished accordingly.

Separate of-
fence on each
day.

38. All fees, penalties and fines received under this Act and the costs of all such convictions as shall take place before any Inspector or Magistrate appointed under this Act, shall
40 form part of the Consolidated Revenue Fund of this Province and be accounted for and otherwise dealt with accordingly; and the expenses of carrying this Act into effect in any Mining Division or Mining Divisions, shall be paid by the Lieutenant-Governor out of the said Consolidated Revenue Fund.

Application
of fees, fines
and penalties.

45 39. The Inspector of any mining division, or any two Justices of the Peace, having jurisdiction in the locality, may try and summarily convict any person guilty of any offence under this Act, or of any breach of any of the provisions thereof, to which any fine or penalty, or forfeiture of any sum of money is attached, and shall have all the powers of Justices of the Peace
50 under chapter one hundred and three of the Consolidated

Inspector or
Justices may
try offences,
as under Con.
Stat. Ca.
c. 103.

Statutes of Canada, and the provisions of the said Act as far as applicable thereto shall apply to the proceedings by such Inspector or Justices under this Act.

Interpreta-
tion of terms
used in this
Act.

40. In the construction and for the purposes of this Act, and of all Orders in Council, or Regulations under it, if not inconsistent with the context or subject matter, the following terms shall have the respective meanings hereby assigned to them, that is to say: 5

Mine and
mining.

First. The verb "mine" and the participle "mining," shall be held to mean and include any mode or method of working 10 whatsoever, whereby the soil or earth, or any rock or quartz stone may be disturbed, removed, carted, carried, washed, sifted, smelted, refined, crushed or otherwise dealt with for the purpose of obtaining any metal or metals therefrom, whether the same may have been previously disturbed or not. 15

Mines.

Secondly. The word "mines" shall be held to mean and include all rocks, soils or strata containing any metal or metals, and all places where the work of mining as above defined may be carried on.

Mining
Division.

Thirdly. The word "Mining Division" shall be held to 20 mean and include any tract of country declared to be a mining division within this Act.

Crown Lands.

Fourthly. The word "Crown Lands" shall be held to mean and include all Crown Lands, School Lands, or Clergy Lands which have not been sold, alienated or located by the Crown. 25

Claim.

Fifthly. The word "claim" shall be held to mean a parcel of land taken possession of under this Act, for mining purposes.

Party-wall.

Sixthly. The words "party-wall" shall be held to mean a bank of earth or rock left between two excavations.

41. This Act shall take effect on and from the 30 day of next, and not sooner, except the second section, which shall take effect immediately on the passing hereof.

1- Reading 24 November 1868
2
3
10 December
16

No. 63.]

BILL.

[1868.

An Act to divide the Township of Garafraxa into two Municipalities.

WHEREAS certain of the inhabitants of the Township of Preamble.

Garafraxa, in the County of Wellington, have, by their petition, represented that it would greatly promote the prosperity of the said Township to divide the same into two distinct Municipalities: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. Upon, from and after the first day of January next, after the passing of this Act, that part of the present Township of Garafraxa lying to the south-west of the road allowance between the eighth and ninth Concessions, shall form and become for all Municipal and election purposes a separate and independent Township and Municipality to be called the Township of West Garafraxa, and shall be such separate Municipality for all Municipal, school, judicial and other purposes whatsoever in the same manner to all intents and purposes as though the said Western section of the Township of Garafraxa had never formed part of the said Township; and the said Township of West Garafraxa hereby erected, shall enjoy and exercise all the rights, powers and privileges conferred by any Acts or laws whatsoever upon Township Municipalities in the Province of Ontario.
2. The part of the Township of Garafraxa, as heretofore constituted, lying to the north-east of said road allowance, shall on and after the said day constitute a separate Township Municipality by the name of the Township of East Garafraxa, and shall enjoy and exercise all the rights and privileges conferred upon Township Municipalities by the Acts and laws in force in the Province of Ontario.
3. The fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-third and sixty-fourth sections of the Act respecting the Municipal Institutions of Upper Canada, shall apply to the division of the said Township as heretofore constituted.
4. For the purposes of the first Municipal elections after the passing of this Act, Mr. William McCormack, shall act as Returning Officer for the Township of East Garafraxa, and Mr. Peter Rennie, shall act as Returning Officer for the Township of West Garafraxa, and the said William McCormack and Peter Rennie, respectively shall procure for the purpose of such election the necessary copies of so much of the Collector's

Garafraxa divided into East and West Garafraxa, for certain purposes. West part.

East part.

Returning Officers at first Municipal election.

Roll of the Township of Garafraxa as relates to the inhabitants of the said new Townships respectively as constituted by this Act; and the first Municipal election for the Township of East Garafraxa shall be held at such place in that Township as the Returning Officer therefor shall appoint by public notice, posted 5 up at not less than four public places in the Township, at least eight days before the election; and the first Municipal election for the Township of West Garafraxa, shall be held at such place as the Returning Officer therefor shall appoint in the manner 10 aforesaid.

Public Act. 5. This Act shall be deemed a Public Act.

No. 63.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to divide the Township of Garafraxa into two Municipalities.

PRIVATE BILL.

First reading, Nov. 24, 1868.

Mr. FERRIER.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1 - Reading 24 November 1868
2 " 12 December "
3 " 16 " "

No. 64.] **BILL.** [1868.

An Act to Incorporate the Kingston and Frontenac Railway Company.

WHEREAS it is expedient to incorporate a Company for the ^{Preamble.}
construction of a Railway with iron or wooden rails,
from the City of Kingston to the vicinity of Knowlton Lake,
in the Township of Loughborough, and for the removal of ob-
5 structions to the navigation of the said lake, and the lakes and
streams therewith connected, with power to extend said Rail-
way into the Township of Olden or the Township of Oso, and
for other purposes; Therefore, Her Majesty, by and with the
advice and consent of the Legislative Assembly of the Province
10 of Ontario enacts as follows:

Richard John Cartwright, Esquire, the Honorable Alexander ^{Names of per-}
Campbell, John Carruthers, Merchant, John Paton, Esquire, and ^{sons incor-}
Orlando S. Strange, Doctor of Medicine, all of the City of ^{porated.}
Kingston, together with such other persons or corporations as
15 shall under the provisions of this Act become shareholders in
the Company hereby incorporated shall be and are hereby
ordained, constituted and declared to be a Body Corporate ^{Name of}
and Politic, by and under the name of The Kingston and Fron- ^{Company.}
enac Railway Company.

20 2. The several clauses of the "Railway Act" with respect ^{Clauses of}
to "Interpretation," "Incorporation," "Powers," "Plans and ^{"The Rail-}
Surveys," "Lands and their Valuation," "Highways and ^{way Act" in-}
Bridges," "Fences," "Tolls," "General Meetings," "President ^{corporated.}
and Directors their Election and Duties," "Calls," "Shares and
their Transfer," "Municipalities," "Shareholders," "Actions for
25 Indemnity and Fines and Penalties and their Prosecution,"
"Notices, &c.," "Working of the Railway and General Provi-
sions," shall be incorporated with this Act, except in so far as
they are inconsistent with or are varied by this Act, and the
expression "This Act," when used herein shall be held and un-
30 derstood to include the said Clauses incorporated with this Act.

3. The Company shall have power to lay out, construct and ^{Power to con-}
maintain a Railway with wood or iron rails, from any point ^{struct Rail-}
within the limits of the City of Kingston to some point near ^{way to}
Knowlton Lake, in the Township of Loughborough, and to ^{Lough-}
35 extend the same as hereinafter provided into the Township of ^{borough,}
Olden or the Township of Oso; to remove obstructions to the ^{and to ex-}
navigation of Knowlton Lake and the streams, rivers and lakes ^{tend}
therewith connected; and subject to the approval of the Gov- ^{and render}
ernor-General in Council and to such action as may be had for ^{navigable cer-}
40 the improvement of the navigation of the Rideau Canal to ^{tain Lakes}
construct locks, dams, branches, feeders, basins and piers upon ^{and streams.}

any of the said lakes, rivers, or streams, and to construct and maintain Branch Railways, tramways or waggon-road not exceeding ^{one} miles in length, to any mill, quarry, peat-bog, mine, lake or navigable stream or river and to construct tow-paths and to exercise for any purpose connected with the prosecution of such undertakings all the powers as to lands and their valuation authorized by this Act.

Power to build in sections.

4. The Company shall have power to construct the said different sections of the said Railway or any portion of the extension thereof or subject to the approval of the Governor-General in Council as aforesaid, any section of the works for rendering said lakes or streams navigable in such order as they see fit and over any portion of the country between the points aforesaid, keeping in view the general direction as hereinbefore provided. 15

Power to acquire certain lands in Kingston, Loughborough, Olden or Oso.

5. The Company shall have power to acquire unoccupied lands and unoccupied water-lot property within the City of Kingston, not to exceed in all ten acres, and to acquire in the Township of Loughborough twenty acres, and in the Township of Olden or the Township of Oso twenty acres for the erection and maintenance of necessary wharves, piers, warehouses, stations, curves and sidings, and to enable the Company to acquire the same, all the provisions of the Railway Act shall be as fully applicable as if the acquisition of such areas of land were authorized by said Act. 25

Powers relative to branches.

6. Notwithstanding anything in "The Railway Act" contained, the said Act shall as fully apply to the laying out, construction and maintenance of any Branch of the Railway as if such Branch formed part of the Main Line, and for the laying out, construction and maintenance of necessary waggon-roads the Company shall have power to enter upon and construct and maintain the same through the lands not being a messuage or its curtilages of any person or corporation subject to the application of the provisions contained in section sixteen to thirty-one (inclusive) of Chap. 49 of the Consolidated Statutes of Upper Canada; Provided that if the Municipality within whose jurisdiction such road may be shall desire to assume the same, such road shall be delivered up to the Municipality on payment of the cost thereof and thereupon the Company shall cease to be responsible for the maintenance or repair of such road and if such road shall become unnecessary for the use of the Company and the Municipality shall decline to assume the same as aforesaid the Company shall have power to dispose of the land occupied by the road by public auction. 40

And waggon roads.

Municipalities may assume waggon roads, or Company may sell.

Powers to render navigable certain waters, etc.

7. Upon the sanction of the Governor-General in Council for the work required to render navigable Knowlton lake and the lakes and streams therewith connected, the Company shall have power to enter upon the lands of the Crown or of any person or Corporation, and to lay out and construct any work to supply the said lakes, streams or rivers, or any cutting, canal, or work for rendering navigable the same, or for supplying the same with water from all such brooks, springs, water-courses, lakes, hollows or repositories of water as shall be found in the course of such work, or within the distance of 2,000 yards of the same or any part thereof, or any reservoir to be made for 55

supplying the said works, lakes, rivers or streams with water; and the said Company subject to such sanction and to such action as aforesaid with respect to the Rideau Canal are hereby authorized and empowered to make all such dams, locks, reservoirs, feeders, branches, aqueducts, tunnels and channels in connexion with, and for the purposes aforesaid, as to them shall seem necessary and proper, and for such purposes to bore, dig, trench, quarry, take and remove and lay soil, clay, gravel, sand, stone, trees and roots or any matter or thing which may be got in making such improvements, or any work therewith connected out of any land of any person or corporation contiguous thereto, and to make, erect, and set up upon the banks of said lakes, streams or rivers, or the land adjoining, or near the same such wharves, piers, landing places, tanks, reservoirs, pens for water, bridges, ways, roads, and tow paths, and to alter, repair and amend the same or any of them as the Company may deem requisite for the purposes of said navigation and of said railway.

And for erection of wharves, etc.

8. Upon the completion of any work, whereby any lake, stream or river or any part thereof therefore unnavigable by boats or rafts shall have been rendered navigable by the said Company, it shall be lawful for the Directors of said Company by By-Law to fix and regulate the tolls to be taken at the entrance to any of said streams, lakes or rivers, or of any of the works therewith connected, but no such tolls shall be levied or taken until approved of by the Governor in Council, nor until after publication in a newspaper within the county of the By-Law establishing such tolls, and of the Order in Council approving the same.

Powers to impose tolls on vessels or rafts.

9. The said Company shall have power to construct, purchase, charter and navigate scows, boats, sail and steam vessels on the said lakes, rivers or streams, or other lakes and rivers for the purposes of traffic with said railway.

Power to acquire vessels, etc.

10. The publication of any notice required by "The Railway Act" or this Act, shall be sufficiently made by one publication of the same in a newspaper within the county and in the *Ontario Gazette*.

Notices sufficiently published in County newspaper and *Gazette*.

11. The Company shall have authority to enter into contracts with the proprietors of lands adjoining the railway, for the erection and maintenance by the proprietors of fences and hurdle gates on each side of the railway upon payment of a sum in gross or a yearly payment therefor, and upon such payment the Company shall cease to be liable for any damages which may be done by their trains or engines to cattle, horses or other animals, and such contracts shall be registered in the Registry Office for the county, and shall bind the proprietors of the lands affected by such contracts, their legal representatives and assigns, provided always that the Company shall not be bound or required to erect fences on any of the lands of the Crown by any persons purchasing the same after the location of the railway.

Power to make contracts relative to fences.

Company not to erect fences on Crown Lands.

12. Notwithstanding any thing in the Railway Act contained it shall not be necessary to furnish accommodation for the transportation of passengers nor to run trains at regular hours upon said Railway.

Transportation of passengers not required.

Capital stock
\$100,000.

Expenses of
this Act.

Municipal
Loans.

Provisional
Directors.

Vacancies,
how supplied.

Power to open
stock books
and procure
subscriptions.

Power of Pro-
visional
Board.

13. The Capital Stock of the said Company shall be one hundred thousand dollars, with power to increase the same in the manner provided by this Act, to be divided into one thousand shares of one hundred dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the said stock, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards making, completing, and maintaining the said Railway, and other purposes of this Act; Provided always, that until the said preliminary expenses shall be paid out of the Capital Stock, it shall be lawful for the Municipality of any County, Town, Village or Township, to pay out of the funds of such Municipality, either by way of bonus or donation, or by way of loan to the said Company, such preliminary expenses, or any part thereof, as to the Council of such Municipality may by resolution direct, and in the case of a loan, any sum thus advanced shall be refunded to the Municipality from the stock of said Company, or shall be allowed in payment of any stock which may be subscribed for by such Municipality.

14. Richard John Cartwright, the Honourable Alexander Campbell, John Carruthers, John Paton and Oslando S. Strange shall be, and are hereby constituted a Board of Provisional Directors of the said Company, and shall hold office as such until other Directors shall be appointed under the provisions of this Act by the shareholders; and it shall be lawful for the Provisional Directors, for the time being of the said Company, or a majority of the Directors present at a meeting called for the purpose, to supply the place or places of any of their number, from time to time dying or declining to act as such Provisional Directors, and to associate with themselves at a meeting of Directors, called for the purpose of deciding thereon, not more than five other Directors, who shall thereupon become and be Directors of the Company equally with themselves, which appointments, whether by reason of death or resignation, or the association of not more than five other Directors, shall be made from the several subscribers for stock in the said Railway Company, to the amount of one thousand dollars each during the period of their continuance in office, and upon which stock all calls shall have been paid.

15. The said Board of Provisional Directors shall have full power to open stock books, and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, to call a general meeting of the shareholders for the election of Directors, as hereinafter provided; and such Provisional Directors shall be, and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be, and are hereby made subject unto the like restrictions as the Elective Directors of the same Company, upon their being elected by the stockholders of the said Company, as hereinafter provided, would, under the provisions of "The Railway Act," and of this Act, become invested with or subject unto respectively.

16. When and so soon as shares to the amount of thirty thousand dollars in the Capital Stock of the said Company shall be taken, and ten dollars per centum shall have been paid into some one of the chartered banks of this Province, and which said amount shall not be withdrawn from such bank, or otherwise applied, except for the purpose of this Railway, or upon the dissolution of the Company, it shall and may be lawful for the said Provisional Directors of the said Company, for the time being, or a majority of them, to call a meeting of the subscribers for stock therein, for the purpose of electing Directors of the said Company, giving at least two weeks' notice in a newspaper, published in the County of Frontenac, of the time, place and object of such meeting; and at such general meeting, the shareholders present, either in person or by proxy, and who shall have paid ten per centum upon the stock subscribed by them, shall elect five persons to be Directors of the said Company in the manner, and qualified as hereinafter provided, which said Directors, together with the *ex officio* Directors under "The Railway Act," shall constitute a Board of Directors, and shall hold office until the fourth Wednesday in January in the year following their election.

Meeting for the election of Directors to be called when \$30,000 shares subscribed.

Five Directors.

17. On the said fourth Wednesday in January, and on the fourth Wednesday in January in each year thereafter, there shall be holden a general meeting of the shareholders of the said Company, at which meeting the shareholders shall elect five Directors for the ensuing year, in the manner, and qualified as hereinafter provided; and public notice of such annual general meeting and elections, and of the time and place at which such meeting shall be held, shall be published, for at least one month before the day of election, in two or more newspapers published in the County of Frontenac, and in the *Ontario Gazette*, and all the elections for Directors shall be by ballot, and the persons so selected, together with the *ex officio* Directors under "The Railway Act," shall form the Board of Directors.

Annual general meeting for election of Directors.

Public notice thereof.

Election by ballot.

18. No person shall be elected a Director, unless he shall be the holder and owner of at least ten shares of the stock of the said Company, upon which all the calls have been paid up.

Directors to be holders of ten shares.

19. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said Company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as Directors in the said Company.

Aliens may be shareholders.

20. In the elections of Directors under this Act, and in the transaction of all business at general shareholders' meetings, each shareholder shall be entitled to vote, either in person or by proxy, and shall be entitled to as many votes as he holds shares, but no shareholder shall be entitled to vote in person, or by proxy, at any such meeting, or at any special meeting of the shareholders of the said Company, who shall not have paid at least ten per centum on each share held or owned by him or her in the Capital Stock of the said Company, and all calls due upon his or her stock at the time of such election or meeting.

Number of votes of shareholders.

21. At all meetings of the Board of Directors, whether of Provisional Directors, or of those elected by the shareholders,

Quorum of Directors.

three Directors shall form a quorum for the transaction of business, and the said Board of Directors may employ one or more of their number as paid Director or Directors.

Subscriptions
for shares.

22. The said Directors are hereby authorized and empowered to take all necessary steps for procuring subscriptions for shares in the stock-books of the Company, from parties desirous of becoming shareholders in the said Company, until the whole of the Capital Stock authorized by this Act shall have been taken up, and to make, execute and deliver all such scrip and share certificates as to the said Directors shall seem expedient. 10

Calls not to
exceed 10 per
cent.

23. The Directors may at any time call upon the shareholders for instalments upon each share, which they or any of them may hold in the Capital Stock of the said Company, in such proportion as they may see fit; Provided that no such call or instalment shall exceed the sum of ten dollars per centum upon the amount subscribed for by the respective shareholders in the said Company, and that the amount of any such call in any one month shall not exceed ten dollars per centum upon the stock so subscribed, so that there be one month between each call, until the whole capital be subscribed; Provided also, that upon the occasion of any person or Corporation becoming a subscriber for stock in the said Company, it shall and may be lawful for the Provisional and other Directors of the said Company, for the time being, to demand and receive, to and for the use of the said Company, the sum of ten dollars per centum upon the amount by such person or Corporation respectively subscribed, and also the amount of such calls as shall have already been made payable in respect of the stock then already subscribed, at the time of such person or Corporation respectively subscribing for stock, and all persons subscribing to the Capital Stock of the said Company shall be considered proprietors and partners in the same, but shall be liable only to the extent of their unpaid stock therein. 15 20 25 30

Ten per cent
payable on
subscription
and calls
made.

Shares trans-
ferable.

Liability of
subscribers
and trans-
ferees.

24. The shares of the Capital Stock of the said Company shall be transferable, and may from time to time be transferred by the respective holders and owners thereof: Provided always that the original subscribers, or any future transferor, and the transferee shall be always held personally liable to the said Company, and to the creditors thereof, for all or any part of the sums unpaid on such shares by the transferor or original subscriber subscribed, and for all calls thereon, whether demanded before or after any such transfer, and in any action brought for the recovery of any call or calls upon such stock, the said Company may sue the original subscriber, or the person or persons to whom the same may have been transferred as the said Directors may elect, and failing to secure payment may enter an action against, and may receive from the original subscriber any unpaid calls on such stock, together with the costs of any previous actions in which the Company may have recovered judgments against any other of the parties liable for such calls 35 40 45 50

Municipali-
ties may aid
by bonus or
donations.

25. Municipal Corporations may grant to the said Railway Company any such sums of money or debentures as may by the said Municipal Corporation be thought advisable in the way of bonus or donation, to aid in the construction or equipment of said Railway, or of any of the works authorized under 55

this Act, and it shall be lawful for the said Company to accept such bonus or donation, and to apply any such sums of money or the proceeds of such debentures to the special purpose, if any, for which the same was so granted.

- 5 **26.** In case a majority of the persons rated on the last Assessment Roll as freeholders in any portion of a municipality do petition the Council of such Municipality, the said petition to define the metes and bounds of the section of the township within which the property of the petitioners is situated, and
 10 expressing the desire of the said petitioners to aid in the construction of the said Railway by granting a bonus or donation to the said Company for this purpose and stating the amount which they so desire to give and grant and to be assessed, therefore the council of such township shall pass a By-Law, provided
 15 the said By-Law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven and two hundred and twenty-eight of the Municipal Act of eighteen hundred and sixty-six, chapter fifty-one, by the majority of qualified electors in the portion of a township petitioning as
 20 aforesaid.

Petition by majority of freeholders for bonus or donation.

By-law to be passed.

1. For raising the amount so petitioned for by the freeholders in such portion of the Municipality, by the issue of debentures of the Municipality, payable within twenty years or earlier, and for the payment to the said Company of the amount of
 25 said bonus or donation at the time and on the terms specified in said petition.

Amount raised by Debentures.

2. For assessing and levying upon all the rateable property lying within the section defined by said petition, an annual special rate sufficient to include a sinking fund for the repayment of debentures with the interest thereon which Municipal
 30 Councils are hereby authorized to execute and issue in such cases respectively.

Assessment for repayment and sinking fund.

- 27** When and so soon as thirty per centum of the Capital Stock shall have been fully paid and at least
 35 miles shall have been constructed, if it shall at any general meeting of the Company, called for the purpose, be resolved by a vote representing two-thirds of the Capital Stock to extend the said Railway into one or other of the townships of Olden or Oso, and for such purpose to increase the Capital Stock of the
 40 said Company to any sum not exceeding three hundred thousand dollars; either by the addition of new subscriptions or otherwise, it shall and may be lawful for the said Company to enter upon such extension and increase such capital, and the new shares thereof shall be part of the capital of the Corporation; and the subscribers to such shares shall be members of
 40 the said Corporation; provided always that such increase of capital and the extension of said Railway shall not take effect until the By-Law authorizing the same shall have received the approval of the Governor in Council.

Increase of capital to \$300,000, and extension authorized.

By-law of Company authorizing extension to be approved.

- 28.** Upon the approval of said By-Law by the Governor in Council, the Order in Council confirming the same shall be published in the *Ontario Gazette*, and upon such publication and the deposit with the Minister of Public Works and in the Office of the Clerk of the Peace for the county, of the map or plan of
 45 such extension and the Book of Reference relating thereto,

Map and book of reference confined to primary undertaking until extension.

such extension shall be deemed to be fully authorized, and to be part of the undertaking authorized by this Act and to the same and to every part thereof every provision of this Act shall be fully applicable; provided that until such extension be authorized and approved as aforesaid, the map, or plan, or book of Reference shall comprise only that portion of the Railway between the city of Kingston and the primary terminus near Knowlton lake in Loughborough. 5

29. The Company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory notes, or any such bill of exchange drawn or accepted, or endorsed by the President or Vice President of the Company and countersigned by the Secretary and Treasurer of the said Company, shall be binding on the Company, and the President, Vice President, or the Secretary or Treasurer, shall not be individually responsible for the same, unless the same promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as aforesaid; provided that nothing in this section shall be construed to authorize the Company to issue notes or bills of exchange payable to bearer, intended to be circulated as money, or as the notes or bills of a bank. 10 15 20

30. It shall be lawful for the Directors for the time being, to make, execute and deliver all such bonds, debentures, mortgages or other securities as to the Directors for the time being shall, from time to time, seem expedient for raising the necessary capital for the time being authorized to be raised by the said Company, or for raising any part thereof; provided always that the portion of the capital to be raised by bonds, debentures, or mortgages shall not exceed at any time the amount of the then paid up Capital Stock of the said Company. 25 30

31. All bonds, debentures, and other securities shall be executed by the President of the Company, for the time being, and countersigned by the Secretary, and may be made payable to bearer, and all such bonds, debentures, and other securities of the said Company, and all dividends and interest, warrants or coupons thereon respectively which shall purport to be payable to bearer shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being in their own names, provided always that no such debentures shall be issued for an amount less than one hundred dollars Provincial Currency. 35 40

32. Deeds and conveyances under this Act for the lands to be conveyed to the said Company shall and may be made in duplicate, in the form given in the Schedule to this Act marked A, and all Registrars are hereby required to Register in the Registry Books such deeds on the production thereof, and proof of execution and to minute every such entry on the deed, and the said Company are to pay the Registrar for so doing the sum of fifty cents and no more. 45 50

SCHEDULE A.

KNOW ALL MEN BY THESE PRESENTS that I (*insert the name of wife also if she is to release her dower. or for any other pur-*

pose to join the conveyance) do hereby in consideration of
 (or as the case may be) by the Kingston and Frontenac Rail-
 way Company, the receipt whereof is hereby acknowledged,
 grant, sell and confirm unto their successors and assigns all that
 certain parcel of land being and composed of (describe the land)
 to have and to hold the said land and premises together with
 everything appertaining thereto to the said the Kingston and
 Frontenac Railway Company their successors and assigns for
 ever (if dower released, add) and I (name the wife)
 release my dower in the premises.

Witness hand, and seal this
 day of one thousand eight hundred and

Signed sealed, and
 delivered in pre- A. B. [LS.]
 presence of E. F. C. D. [LS.]
 64-3

No. 64.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to Incorporate the Kingston and
Frontenac Railway Company.

PRIVATE BILL.

First reading, Nov. 24, 1868.

MR STRANGE.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

2
3
1
3 December 1868
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No. 65.]

BILL.

[1868.

An Act to explain the thirty-sixth section of the Hamilton Debentures Act of 1864, and to legalize, if necessary, the application of the rates levied by the City of Hamilton under the By-Laws referred to in that section.

WHEREAS the Corporation of the city of Hamilton have, by their humble petition in that behalf, represented that at the time of the passing of the Hamilton Debentures Act of 1864 the taxes for the years one thousand eight hundred 5 and sixty-two and one thousand eight hundred and sixty-three had not been collected, and that being desirous of enforcing the same from the persons who had been assessed therefor, and who would have been liable to pay the same if they had been collected in those years, they applied for authority so to do and 10 the said thirty-sixth section was accordingly introduced into the said Act solely for that purpose.

And whereas it was the intention of the said Corporation to levy the said rates, for the purpose of meeting not only the expenses and other charges imposed upon them by the said Act, 15 but also all other sums which might be required for the Government of the Municipality, and all other the lawful purposes of the said city, and they did accordingly after paying and discharging the said charges apply the surplus to the general purposes of the city.

20 And whereas doubts have arisen as to their right, under the language of that section, to apply the same to any other purposes than the payment of the said charges, and the interest to become due under the said Act, and it is expedient to remove such doubts; Her Majesty, therefore, by and with the advice 25 and consent of the Legislative Assembly of Ontario, enacts as follows:

1. It was in and by the said section intended to authorize the application of the said rates, not only to the purposes of the said Act, but to any other purpose within the powers of the 30 Corporation to which the City Council might think proper to apply the same, and the application of the said rates is hereby confirmed.

2. This Act shall be deemed a public Act.

No. 65.

2nd Session, 1st Parliament, 32 Victoria, 1688.

BILL.

An Act to explain the thirty-sixth section of the Hamilton Debentures Act of 1864, and to legalize, if necessary, the application of the rates levied by the city of Hamilton under the By-Laws referred to in that section.

PRIVATE BILL.

First reading, Nov. 24, 1868

Mr. WILLIAMS.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

Discharged

1 Dec

No. 66.]

BILL.

[1868.

An Act to amend Chapter eighty-five of the Consolidated Statutes of Upper Canada.

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Assembly of Ontario, enacts as follows :

1. Section number two of chapter eighty-five of the Consolidated Statutes of Upper Canada, entitled "An Act respecting the conveyance of Real Estate by Married Women," is hereby repealed, and the following section is substituted in lieu thereof, viz. :

2. In case such married woman executes such deed in the Province of Ontario, she shall execute the same in the presence of a Judge of one of the Courts of Queen's Bench or Common Pleas, or of a Judge of the County Court, or of two Justices of the Peace, or of a Commissioner for taking affidavits in the Court of Queen's Bench for the County in which such married woman resides, or happens to be, when the deed is executed, and such Judge, or two Justices of the Peace, or Commissioner (as the case may be) shall examine such married woman apart from her husband, respecting her free and voluntary consent to convey her Real Estate in the manner and for the purposes expressed in the deed, and if she gives her consent, such Judge Justices or Commissioner shall, on the day of the execution of such deed, certify on the back thereof to the following effect :—

How married women to convey in Ontario.

I (or we, inserting the name or names, &c.,) do hereby certify that on this day of one thousand eight hundred and the within deed was duly executed in my (or our) presence by of, &c., wife of one of the grantors therein named, and that the said wife of the said at the said time and place, being examined by me (or us) apart from her husband, did appear to give her consent to convey her estate in the lands mentioned in the said deed, freely and voluntarily, and without coercion, or fear of coercion, on the part of her husband, or of any person or persons whatsoever.

No. 66.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend Chapter eighty-five Con-
stat. U. C., respecting the Conveyance of
Real Estate by Married Women.

First reading, Nov. 24, 1868.

MR. SEXTON.

TORONTO.

PRINTED BY HUNTER, ROSE & Co.

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Discharged

7 Dec

21 Jan

No. 67.]

BILL.

[1868

An Act to amend the Act intituled An Act respecting Dentistry.

WHEREAS it is expedient to amend the Act respecting Dentistry, passed in the first Session of the Legislative Assembly of the Province of Ontario, and chaptered thirty-seven: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

That notwithstanding anything in the said Act contained to the contrary, any person who at the time of the passing of the said Act had an established office for and was engaged in the actual practice of Dentistry, shall be entitled to a certificate of Licentiate of Dental Surgery, upon furnishing to the Board of Examiners, under the said Act, satisfactory proof that he was so engaged in such practice, and upon payment of such fees as may be authorized and fixed by the said Board, of which payment the Treasurer's receipt shall be sufficient evidence, and such person shall not be required to pass the examination required by said Act; but when no examination has been passed, the certificate shall be expressed to be granted "without examination."

Parties practicing Dentistry before passing of 31 Vic., Chap. 37, entitled to certificate, etc.

No. 67.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend the Act respecting Den-
tistry.

First reading, Nov. 25, 1868.

Mr. Gow

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 68.]

BILL.

[1868.

An Act to amend the Act respecting Common Schools
in Upper Canada.

WHEREAS it is expedient to amend the law respecting Preamble.
Common Schools in Upper Canada; Therefore, Her
Majesty, by and with the advice and consent of the Legislative
Assembly of Ontario, enacts as follows:

5 1. The third section of the said Act respecting Common Annual elec-
Schools in Upper Canada, is hereby repealed, and the following tions, 2nd
shall stand in the place thereof: Wednesday
in January.

3. "The annual meetings for the election of School Trustees,
as hereinafter provided, shall be held in all the Cities, Towns,
10 Townships and Villages of Ontario, on the second Wednesday in
January in each year, commencing at the hour of nine o'clock
in the morning, and shall continue open until five of the clock
in the afternoon, and no longer."

2. The sixty-third section of the said Act is hereby repealed,
15 and the following shall stand in the place thereof:

63. "On the incorporation of any City or Town, and the First elec-
division thereof into wards, two fit and proper persons shall at tions in cities
the first election of School Trustees be elected School Trustees and towns.
of each such ward by a majority of the votes of the freeholders
20 and householders thereof appearing on the last revised assess-
ment roll for the said ward or electoral division, and not sup-
porters of separate schools; and one of such Trustees to be
determined by lot at the first meeting of Trustees after their
election, shall retire from office at the time appointed for the
25 next annual school election, and the other shall continue in
office one year longer and then retire, but each such Trustee Trustees term
shall continue in office until his successor has been elected. of office.

3. Section six-four of the said Act is amended as follows:—

"In the fifth line after the words 'ordinary municipal Ward Section 64
30 election,' add the following: 'provided always that there shall amended.
not be more than one polling place in each Ward respectively.'"

4. The following sub-sections are added to section sixty-five
of the said Act:—

1. "A meeting of the electors shall take place for the nomin- Nomination
35 ation of Candidates for the offices of School Trustees in cities meeting on
and in towns, at noon, on the last Wednesday in December, an- last Wednes-
nually, or on the day following should the same be a holiday, day in De-
cember.

in each Ward or electoral division thereof, at such places therein as shall from time to time be fixed by the Board of School Trustees respectively.

- Notice. 2. "The Returning Officer for each Ward or electoral division in cities and towns, or in his absence the Chairman to be chosen by the meeting, shall preside, and the Secretary of the Board of School Trustees in each city and town shall give at least six days' notice of such meeting. 5
- If no more candidates than offices. 3. "If only the necessary number of Candidates to fill the vacant offices shall be proposed and seconded, the Returning Officer or Chairman shall, after the lapse of one hour, declare such Candidates duly elected. 10
- If more and poll demanded. 4. "If more than the necessary number of Candidates be proposed and a poll is demanded by any candidate or elector, the Returning Officer or Chairman shall adjourn the proceedings until the second Wednesday in January, when a poll shall be opened in each Ward or electoral division for the election, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon and no longer. 15 20
- Lists of voters. 5. "The Clerk of the Town or City shall not later than the Monday preceding the day of election deliver to the Secretary of the Board of School Trustees, in such City or Town, a list of the names, alphabetically arranged, of all the freeholders and householders rated upon the then last revised assessment roll (and not supporters of Separate Schools) for each ward or electoral division, and shall attest the said list by his solemn declaration." 25
- Poll books. 6. "The Secretary of the Board of School Trustees in every City or Town shall provide the Returning Officer of every ward or electoral division with the said list and a poll book, and at every election at which a poll is demanded the Returning Officer, or his sworn Poll Clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall in each column on which is entered the name of a candidate voted for by a voter set the figure "1" opposite the voter's name with the residence of the voter." 30 35
- How kept.
- Returning officer may administer oath, etc. 7. "The Returning Officer or Chairman may administer all oaths or affirmations necessary at the election." 40
5. The Seventieth Section of the said Act is hereby repealed, and the following shall stand in the place thereof:
- Challenging voters. 70. "In case an objection be made to the right of any person to vote at any election in any City, Town, or Village, or upon any other subject connected with School purposes therein, the Returning Officer presiding at the election shall require the person whose right of voting is objected to, to make the following declaration or affirmation: 45
- Declaration of voters. "I do declare and affirm that I have been rated on the assessment roll of this ward (or electoral divisions in Towns) as 50

a Freeholder (or Householder as the case may be) and that I have paid the Public School Tax in this ward (or electoral divisions in Towns) imposed for the year within the last twelve months, and that I am the person whose name appears on the assessment roll, and am of the full age of twenty-one years and not a supporter of Separato Schools." Whereupon the person making such declaration shall be permitted to vote.

6. The following sub-sections are added to section seventy of the said Act:

10 1. "In case of two or more candidates having an equal number of votes, the Returning Officer, whether otherwise qualified or not, shall give a vote for one of such candidates so as to decide the election, and except in such case no Returning Officer shall vote at any election held by him."

Returning Officer when to have casting vote.

15 2. "The Returning Officer shall on the day after the close of the election return the poll book to the Secretary of the Board of School Trustees, and also his solemn declaration thereto annexed, that the poll book contains a true statement of the poll and his certificate of the person naming him who had been duly elected."

Pool book to be returned to the Clerk.
Attestation.

7. "The seventy-second section of the said Act is hereby repealed, and the following shall stand in the place thereof:

72. "The Judge of the County Court shall, within twenty days after the election of a Common School Trustee in any city, town or incorporated village within his county receive and investigate, and in a summary manner upon complaint lodged respecting the validity of a mode of conducting the election, hear and determine the same, and may by order cause the Assessment Rolls, Collector's Rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such person or persons to appear before him as he may deem expedient and confirm the same, or in case the election complained of be adjudged invalid, the Judge forthwith by writ shall cause the person so found not to have been duly elected to be removed, and in case the Judge determines that any other person was duly elected the Judge shall forthwith order a writ to issue causing such other person to be admitted, and in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall by the writ cause a new election to be held, and shall appoint the time and place of holding such election."

Proceedings at contested elections in cities, towns and villages.

No. 68.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend the "Act respecting Common Schools in Upper Canada."

First reading, Nov. 25, 1868.

Hon. Mr. McMURRICH.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

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23 January 1869

No. 69.]

BILL.

[1868.

An Act for the Relief of the London and Port Stanley Railway Company, and for ensuring the efficient working of its Railway, and for other purposes.

WHEREAS the interest on the bonds issued under the first Preamble. mortgage and the interest on the second mortgage, made by the London and Port Stanley Railway Company is in arrears, and the Company has also become otherwise deeply indebted, and several of the creditors have obtained judgment against it; and whereas the keeping open of the said Railway for traffic, which is of the utmost importance to the public interest, is, by reason of the premises, imperilled, and it is necessary that the said Railway and its franchises should be absolutely sold to secure hereafter the uninterrupted working of the said Railway; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. Notwithstanding anything in law or statute to the contrary, it shall be lawful for any mortgage, or judgment creditor of the said Company to proceed upon his mortgage or execution against lands, and sell thereunder the said Railway, with all its lands, rights, privileges, franchises and appurtenances, and any mortgagee or creditor of the said Railway Company may become the purchaser of the said Railway, at such sale, and such sale shall extinguish all mortgages, bonds, judgments and claims whatsoever existing at the time of the said sale of such Railway, and by and under such sale, whether made under power of sale in any mortgage decree of the Court of Chancery in Upper Canada or Sheriff's sale on such execution against lands as aforesaid, the said purchaser, his heirs or assigns shall acquire a good title to the said Railway, and all the lands, rights, privileges, franchises and appurtenances thereto belonging or in any way appertaining, freed and discharged from any claim and incumbrance whatever, and shall have full power and authority to sell and dispose of the same, to use and work the said Railway under the Act of Incorporation of the said Railway Company, or any amendments thereof as fully and effectually as if such Charter had been granted to such purchaser
2. The purchase money upon such sale shall be paid into Her Majesty's Court of Chancery at Toronto, and shall be paid out of the said Court to the several creditors of the Company, according to their priorities, as they may legally exist, or as may be settled by the said Court; provided always that upon an application to be made thereto by any creditor or creditors, upon petition such purchaser, his heirs or assigns, may make such terms for the payment or security of the purchase money with
- Creditors may sell Railway and franchise, &c.
- Purchase money to be paid into Court.

such creditors as they may agree upon; provided always that nothing herein contained shall prevent, nor shall any Act, law, or practice to the contrary prevent any mortgagee or creditor of the said Company becoming the purchaser of the said Railway as aforesaid.

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Court to provide for payment of costs, &c.

3. The said Court of Chancery shall make such provision for the payment of the costs of any application or applications to be made to it under the authority of this Act as to the said Court shall seem just.

No. 69.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act for the Relief of the London and Port Stanley Railway Company.

PRIVATE BILL.

First reading, Nov. 25, 1868.

MR. BLAKE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

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Dropped

1 December "
23 January 1869

No. 70.]

BILL.

[1868.

An Act to enable Municipalities to grant aid by way of bonus or otherwise, to Roads, Tramways and Railways.

WHEREAS it is desirable to increase the facilities of communication within this Province, and to enable Municipalities to encourage the construction of Roads, Tramways and Railways, by granting aid by way of bonus or otherwise; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

That it shall and may be lawful for any Municipality or Municipalities, through any part of which, or near which, any Road, Tramway or Railway, shall pass or be situated, or which may be benefited thereby, to aid and assist any incorporated Road or Tramway Company, or Railway Company duly incorporated by special Act, and subject to the provisions of the Railway Act, by loaning or guaranteeing, or giving money by way of bonus, or procuring and granting the right of way, or granting lands belonging to the Municipality, or issuing Municipal bonds to or in aid of the Company, in such manner, and to such extent, as such Municipality, or any of them, shall think expedient; Provided always, that no such aid, loan, bonus, guarantee or grant shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the ratepayers, as provided in the Railway Act.

That when it seems desirable to any Municipality to grant aid to any such Road, Tramway or Railway Company, by granting to them the right of way, such Municipality shall have all the powers now conferred by an Act of the Province of Canada, intituled "An Act respecting Railways," and shall be subject to the provisions therein contained, and such powers may be exercised by the said Municipality in their own name, or in the name of the said Road, Tramway or Railway Company, with the assent of such Company; Provided, however, that the said Municipality shall procure the conveyance of the lands so required direct to the said Road, Tramway or Railway Company.

Municipalities may grant aid to Road, Tramway, &c.

To have all the powers granted to Railway Companies.

No. 70.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to enable Municipalities to grant aid by way of bonus or otherwise, to Roads, Tramways and Railways.

First reading, Nov. 25, 1868.

Mr. READ.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

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No. 71.]

BILL.

[1868.

An Act respecting the Public Works of Ontario.

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Assembly of the Province of Ontario, enacts
as follows:

1. There shall be a Department of Public Works for Ontario, Department
5 over which the "Commissioner of Agriculture and Public and Commis-
Works," for the time being, appointed by commission under sioner of Pub-
the Great Seal, shall preside. lic Works.
2. The Lieutenant-Governor may also appoint an Architect Architect and
and Engineer of Public Works, who shall be Chief Officer of Engineer, Se-
10 the Department, a Secretary for the Department, and such cretary and
other officers as may be necessary for the proper conduct of the other officers.
business of the Department.
3. The Lieutenant-Governor may also appoint from time to Temporary
time as many Engineers, Superintendents, servants, and other Engineers,
15 officers as he may deem necessary, for the construction, main- &c.
tenance, use, and repair of Public Works.
4. The Commissioner shall have the management of the De- Duties and
partment, and it shall be his duty to oversee and direct the powers of the
other officers and servants of the Department; he shall have Commis-
20 such other powers and duties as may be assigned to him by the sioner.
Lieutenant-Governor in Council, and may suspend from duty
any officer or servant of the Department who refuses or
neglects to obey his instructions as such Commissioner.
5. It shall be the duty of the Architect and Engineer to pre- Duties and
25 pare maps, plans, and estimates for all Public Works which are powers of the
about to be constructed, altered or repaired by the Depart- Architect and
ment; to report for the information of the Commissioner, on Engineer.
any question relating to the Public Works which may be sub-
mitted to him; to examine and revise the plans, estimates and
30 recommendations of other engineers and officers; to check and
verify all certificates and accounts respecting Public Works and
repairs; to conduct all correspondence relating to the above;
to transmit to the Secretary all outward correspondence to be
copied in the "Public Works" letter book, and all documents
35 that require to be filed or registered; and generally to advise
the Department on all Architectural and Engineering questions
affecting the Public Works.
6. It shall be the duty of the Secretary to keep all necessary Duties of the
accounts relating to Public Works; to file all documents Secretary.
40 for the Department, and in addition to the ordinary indexes to
keep one "Subject Matter General Index" of all the books; to

enter all correspondence outward in the proper "Letter book;" to conduct all general correspondence connected with the Department, under the instructions of the Commissioner; to prepare all accounts in duplicate for submission to the Hon. The Executive Council; to see that all contracts and documents are properly drawn out and executed; to sign requisitions for office supplies, prepare pay lists, draw the money from the Treasurer's Office, and pay the monthly salaries; to have the charge of the Post Office Franking Stamp, and the Departmental Seal; and generally, to do and perform all such acts and things pertaining to the business of the Department, as he may from time to time be directed to do and perform by the Commissioner; and a copy of any map, plan or other document in the Department, certified by him as a true copy, shall be held to be authentic, and shall be *prima-facie* of the same legal effect as the original, in any Court or elsewhere.

Copies of documents certified by him to be authentic.

What acts only shall bind the Department.

7. The Commissioner shall have power to enter into any contract with any person that may be necessary or advisable in carrying out the provisions of this Act, or any of them; but no deeds, contracts, documents or writings shall be deemed to be binding on the Department, or shall be held to be the acts of the Commissioner, unless signed and sealed with the seal of the Department by him.

Actions for enforcing contracts, &c.

8. All actions, suits, and other proceedings at law or in equity, for the enforcement of any contract, for the recovery of damages for any tort or breach of contract, or for the trial of any right, in respect of any property, real or personal, under the control of the Department, shall be instituted in the name of Her Majesty's Attorney-General for the Province.

Recovering possession of maps, &c., relating to Public Works.

9. The Lieutenant-Governor may require any person or any Provincial officer, having the possession of any maps, plans, specifications, estimates, reports or other papers, books, drawings, instruments, models, contracts, documents, or records, not being private property, and relating to any Public Work, to deliver the same without delay to the Secretary of the Department.

What property, &c., to be vested in Her Majesty and under control of Department.

10. All land, streams and watercourses, and property, real or personal, heretofore or hereafter acquired for the use of Public Works; all canals, locks, dams, hydraulic works, harbors, piers and other works for improving the navigation of any water; all slides, dams, piers, booms and other works for facilitating the transmission of timber; all hydraulic powers created by the construction of any public works; all roads and bridges; all public buildings; all railways and rolling stock thereon; all vessels, dredges, scows, tools, implements and machinery for the improvement of navigation; all drains and drainage works, and all property heretofore or hereafter acquired, constructed, repaired, maintained, or improved at the expense of the Province, shall be and remain vested in Her Majesty and under the control of the Department.

Other property, &c., may be so placed by Proclamation.

11. The Lieutenant Governor may, from time to time, by Proclamation, declare any other property, real or personal, and any works, roads, bridges, harbors, slides, or buildings, or other things specified in the next preceding section, and purchased or

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constructed at the public expense to be Public Works subject to the provisions of this Act, and they shall, thenceforth, be vested in Her Majesty and under the control of the Department.

12. Any property, real or personal, when no longer required for the use of any Public Work may be sold, leased or disposed of, under the authority of the Lieutenant-Governor; the proceeds of all such sales, leases and dispositions shall be counted for as public money. Property not required for Public Works may be sold. Proceeds to be public money.

13. All contracts respecting any Public Work, or property, real or personal, under the control of the Department, heretofore or hereafter entered into by the Commissioner or by any other person duly authorized to enter into the same, shall enure to the use of Her Majesty, and may be enforced as if they had been entered into with Her Majesty under the authority of this Act. Existing and future contracts to be valid.

14. All Public Works hereafter constructed or completed at the expense of the Province, shall, unless otherwise provided by law, be under the control of the Department, and subject to the provisions of this Act. Public Works to be under control of Department.

15. The Commissioner shall direct the construction, maintenance and repair of all Public Works in progress, or constructed, or maintained at the expense of the Province, and which are by this Act, or may be hereafter placed under the control of the Department. Commissioner to have direction of Public Works.

16. The Commissioner may require any account sent in by any person employed by the Department, to be attested on oath; which oath, as well as that to be taken by any witness, the Commissioner may administer. Attesting accounts of contractors &c.

17. The Commissioner may send for, and examine on oath, all such persons as he deems necessary, touching any matter upon which his action is required; and may cause such persons to bring with them such papers, plans, books, documents and things, as it may be necessary to examine with reference to such matter; and may pay such persons a reasonable compensation for their time and disbursements; and such persons shall attend at the summons of the Commissioner after due notice, under the penalty of five pounds in each case. Power to examine persons on oath.

18. The Commissioner shall make and submit to the Lieutenant-Governor an annual report on all the Works under the control of the Department, to be laid before the Legislature within twenty-one days from the commencement of each Session, showing the state of each Work, and the amounts received and expended in respect thereof, with such further information as may be requisite to enable Parliament to judge of the working of the Department. Annual report to the Lieut.-Governor to be laid before Legislature.

19. It shall be the duty of the Commissioner to invite tenders by public advertisement for the construction and repair of all Public Works, except in cases of pressing emergency, where delay would be injurious to the public interest, or where, from the nature of the work, it can be more expeditiously and economically executed by the officers and servants of the Department. Tenders to be invited for works. Exception.

Security to be
taken from
contractors.

Provision
when the
lowest tender
is not taken.

20. The Commissioner, where any Public Work is being carried out by contract, and in all other cases, shall take all reasonable care that security be given to and in the name of Her Majesty, for the due performance of the work, within the amount and time specified for its completion; and in all cases where it seems to the Commissioner not to be expedient to let such work to the lowest bidder, it shall be his duty to report the same, and obtain the authority of the Lieutenant-Governor previous to passing by such lowest tender; but no sum of money shall be paid to the Contractor, nor shall any work be commenced on any contract until the contract has been signed by all the parties therein named, nor until the requisite security has been given. 10

POWER TO TAKE LANDS, &C.

Power to
make sur-
veys, &c.

21. The Commissioner may authorize any engineer, agent servant or workman employed by or under him, to enter into and upon any land to whomsoever belonging, and to survey and take levels of the same, and to make such borings, or sink such trial pits as he deems necessary for any purpose relative to the Works under the control of the Department. 20

Certain per-
sons employ-
ed by the
Department
to have like
powers as to
surveys, as if
licensed Sur-
veyors for the
Province,
while acting
for the
Department.

22. The Commissioner may employ any Engineer, or any person duly licensed or empowered to act as a Surveyor for any Province in Canada, to make any survey, or establish any boundary, and furnish the plans and description of any property acquired or to be acquired by Her Majesty for the use of the Province; and such surveys, boundaries, plans and descriptions shall have the same effect as if the operations pertaining thereto, or connected therewith, had been performed by a Land Surveyor duly licensed and sworn in and for the Province; and the boundaries of such property may be permanently established by means of proper stone or iron monuments, planted by the Engineer or Surveyor so employed by the Commissioner, and shall be of the same effect to all intents and purposes as if such boundaries had been drawn, and such monuments planted by a Land Surveyor duly licensed and sworn for the Province, and shall be held to be the true and unalterable boundaries of such property; provided such boundary lines are so established, and such monuments of iron or stone are planted after due notice thereof has been given in writing to the owners of the lands to be thereby affected, and that a written description of such boundaries is approved and signed, in the presence of two witnesses, by such Engineer or Surveyor on behalf of the Commissioner, and by the other parties concerned, or that in case of the refusal of any party to approve or sign the same, such refusal is recorded in such written description; and provided such boundary marks or monuments are planted in the presence of at least one witness, who shall sign the said written description, which shall afterwards be deposited with the Secretary of the Department as part of the records of the office. 30 35 40 45

Power to
acquire and
take posses-
sion of lands,
&c.

23. The Commissioner may acquire and take possession, for and in the name of Her Majesty, of any land or real estate, streams, waters, watercourses, fences and walls, the appropriation of which is in his judgment necessary for the use, construction or maintenance of any public work or building; or for the use, construction or maintenance of hydraulic privileges made 50 55

or created by, from or at any Public Work ; or for the purpose of draining ; or for the enlargement or improvement of any public work, or for obtaining better access thereto ; and he may for such purpose contract with all persons, seignors, guardians, 5 tutors, curators and trustees whatsoever, not only for themselves, their heirs, successors and assigns, but also for and on the behalf of those whom they represent, whether infants, absentees, lunatics, married women, or other persons otherwise incapable of contracting, possessed of, or interested in such lands, 10 real property, streams, water and watercourses, and all such contracts, and all conveyances or other instruments made in pursuance of any such contract, shall be valid to all intents and purposes whatever.

Parties enabled to contract.

24. The Commissioner and his Agents may enter upon any 15 uncleared or wild land, and take therefrom all timber, stones, gravel, sand, clay or other materials which he or they may find necessary for the construction, maintenance and repair of Public Works, or property, real or personal, under the control of the Department; or may lay any materials upon any such land; 20 and the Commissioner may construct, take and use all such temporary roads to and from such timber, stones, gravel, sand, clay, or other materials, as may be required by him or his Agents for the convenient passing to and from the Works during their construction, and repair; and may enter upon any land for the 25 purpose of making proper drains to carry off the water from any public work, or for keeping such drains in repair.

Power to take materials from uncleared lands.

25. Compensation, to be agreed on between the parties, or appraised and awarded in the manner hereinafter set forth, for such land, real or personal property, streams, water and watercourses, 30 timber, stone or other material, or for any damage thereto, shall be made to the owner or occupier of such land or property, or to the persons suffering such damage aforesaid, and shall be paid within six months after the amount of such compensation has been agreed on or appraised and awarded.

Payment of compensation.

53 26. When any such owner or occupier refuses or fails to agree to convey his estate or interest in any land, real property, stream or watercourse as aforesaid, the Commissioner may tender the reasonable value in his estimation of the same, with notice that the question will be submitted to arbitration as 40 hereinafter mentioned, and in every case the Commissioner may, three days after such agreement or tender and notice, authorize possession to be taken of such land, real property, stream or watercourse so agreed or tendered for.

Notice and tender before taking possession.

27. If the owner of such land, real property, stream or 45 watercourse, does not reside on or near the property so required, then notice shall be given, in the *Ontario Gazette* and in two newspapers published in or near the district or county in which such property is situate, of the intention of the Commissioner to cause possession to be taken of such land, or real property, 50 stream or watercourse, and after ten days from the publication of the last notice, possession may be taken accordingly.

Notice when the owners do not reside on the land.

28. The Commissioner may discontinue or alter any part of a public road, where it is found to interfere with the proper line or site of any Public Work ; but before discontinuing

Power to alter the line of any public road.

or altering such public road he shall substitute another convenient road in lieu thereof; and the land theretofore used for any road or part of a road so discontinued, may, without the authority prescribed in Section 12, be transferred by the Commissioner to, and shall thereafter become the property of the owner of the land of which it originally formed part; or may be dealt with as prescribed in Section 12.

Fences, &c., removed or ditches made during prosecution of public work to be replaced.

Obligations of land owners.

29. Whenever, in the prosecution of any Public Work, it has been necessary to take down or remove any wall, fence or boundary mark of any owner or occupier of land adjoining such Public Work; or to construct any back-ditches or drains for carrying off the water accumulating behind the banks of any public canal, the Commissioner shall cause to be replaced such wall, fence or boundary mark as soon as the necessity which caused its being taken down or removed has ceased; and after the same has been so replaced, or when such drain or back-ditch is completed the owner or occupier of such land shall maintain such wall, fence or boundary mark, drains or back-ditches to the same extent as such owner or occupier might be by law required to do, if such wall or fence had never been so taken down or removed, or such drains or back-ditches had always existed.

DRAINAGE OF LANDS.

Power to employ Engineers, &c., to examine land for drainage, &c.

30. The Commissioner shall have power to employ competent Engineers and Surveyors to make the necessary examinations, surveys and levels of any swamp or bog land, or land occasionally or permanently flooded with water, such Engineers and Surveyors to be under the direction of the Department, and to report to the Commissioner on the best means of draining or preventing the flooding of such land, the cost of the same, the quantity and quality of land proposed to be drained or saved from flooding, with an estimate of the improved value of such land.

Report to Lieut.-Governor.

31. The Commissioner shall submit to the Lieutenant-Governor in the annual report to be laid before the Legislature, a statement of the results of such examinations, surveys and levels, and an estimate of the cost of reclaiming such lands, so as to render them available for cultivation, with his recommendation respecting the same.

Power to make contracts.

32. The Commissioner shall have power to make contracts in manner hereinbefore prescribed for the construction and repair of drains, bridges, roads, dams, dykes, slides, and other works necessary or proper to prevent the flooding of, or to carry off the water from, any such land as aforesaid, and to render the same available for cultivation.

Power to remove obstructions on report of Engineer.

33. Where it has been ascertained on the report of a competent Engineer that there exists, or is being or has been constructed, across any river, stream, or watercourse, any mill dam, embankment, or obstruction which does, or which, in the opinion of such Engineer will, impede the free discharge of water from any such swamp, bog, or flooded land as aforesaid, the Commissioner shall have power to stop the construction

- thereof, or to cause the same to be removed, or a slide constructed, as in his opinion may be most advisable; and if it be found that the owner of any such mill dam, embankment, or obstruction, or any other person, suffer any damage in consequence of the stoppage of its construction, or of its removal, or of the construction of any slide under the provisions of this section, such owner or person suffering such damage shall receive compensation, (if on arbitration, as hereinafter provided, he be considered reasonably entitled to any), for such damage, to be agreed upon, or appraised and awarded in manner hereinafter provided, due regard being paid to the previous right or wrongful action of the owner in constructing such mill dam or embankment; such compensation to be paid within six months after the same has been agreed on or awarded.
- 34.** When any such slide as aforesaid has been constructed in any mill dam or embankment, such slide shall be under the control of the Department; and the Commissioner, his Engineers and Agents, shall have free access to the same at all reasonable times, and for all reasonable purposes, including the regulating the discharge of water over, and the repairing of the same.
- 35.** When the works for the drainage or saving from flooding of any land have been reported complete, the Commissioner shall, if necessary, appoint a competent overseer or overseers to take charge of the same, whose duty it shall be to report from time to time, and as occasion may require, on the condition of the same, and to state what repairs are required to keep them in good order.
- 36.** The Commissioner shall have power to grant permission to any person to construct, or cause to be constructed, at his own expense, lateral drains into any main drains or water courses constructed or improved under this Act; such permission to be in writing, signed and sealed as hereinbefore directed in regard to contracts, and to set forth the conditions and payments on which the same is granted.
- 37.** If any person construct, or cause to be constructed, any such lateral drain as aforesaid, from which water may be discharged into any such main drain or watercourse constructed or improved as aforesaid, without such written permission first obtained, such person shall, on due notice, given in writing, signed by the Commissioner, restore such lateral and main drains and watercourse to their former condition; and should any such person, upon receipt of such notice, refuse or neglect to restore such lateral and main drains and watercourse to their former condition within a reasonable time thereafter, such person, or the Clerk, Secretary, or like officer, or the head officer of any body corporate, or all of them, may be summoned for trespass before a Justice of the Peace, and dealt with as provided by the Statute chapter one hundred and five of the Consolidated Statutes of Upper Canada, in respect to trespasses therein mentioned; and the delivery of any notice to the Clerk, Secretary, or like officer, or the head officer of any body corporate, at the office or place of business of such body corporate, shall be due service of such notice upon such body corporate within the meaning of this or any other section of this Act.

Owners, &c.,
to receive
compensation.

Slides to be
under control
of Department,
and free
of access to
Commissioner &c.

Overseers of
drainage
works to be
appointed.

Power to permit
construction of
lateral drains
by private parties:

Lateral drains
constructed
without permission
to be discontinued
upon due notice.

Refusal to remove to be a
trespass punishable as
such.

What to be
deemed due
notice to a
corporation.

Commissioner
may permit
Land to be
drained into
main.

38. Should any person have or acquire land in the vicinity of any main drain or watercourse constructed or improved as aforesaid, such person shall have the privilege of using such main drain or watercourse, under such conditions and payments as may be considered fair and reasonable by the Commissioner, to whom application in writing must be made, and by whom permission must first be given as hereinbefore provided.

Provision for
registration of
plans, &c.

39. The Commissioner shall provide and deposit in the Registry Office of the County wherein any drainage works have been constructed, a fair and correct plan or map of such drainage works on a scale of not less than one inch to every four chains or 264 feet, and shall lay down thereon all drains, slides, dams, embankments or other works which have been constructed, together with such further information as will show the drainage works, and all matters appertaining to the same; and every copy of such plan or map obtained from such Registry Office, and certified as correct by the Registrar or Deputy-Registrar of such County, shall be taken, as evidence of the contents of the original plan or map in all Courts in Ontario.

Expenditure
to be sanc-
tioned by
Legislature,
except for
repairs, &c.

40. Nothing herein contained shall give authority to the Commissioner to cause expenditure not previously sanctioned by the Legislature, except for such repairs and alterations as the immediate necessities of the Public Service may demand.

OFFICIAL ARBITRATORS.

How appoint-
ed and for
what purpose.

41. The Lieutenant-Governor may, from time to time, constitute a Board of Arbitration, and appoint any number of persons not exceeding three, who shall be Official Arbitrators for Ontario, and who shall arbitrate on, appraise, determine and award the sum which shall be paid to any person in respect of any claim made by such person under this Act, and with whom the Commissioner has not agreed and cannot agree; and every such Arbitrator shall receive such remuneration as shall be, from time to time, fixed by the Lieutenant-Governor.

Remunera-
tion.

Oath of office.

42. The Arbitrators shall take, before the Commissioner or one of Her Majesty's Justices of the Peace for Ontario, the following oath:—

Form.

"I, A. B., do swear that I will well and truly hear, try and examine into such claims as may be submitted to me for compensation for real or personal property taken, or alleged direct or consequent damage to such property, arising from the construction or connected with the execution of any Public Work undertaken at the expense of the Province of Ontario, or arising out of or connected with the execution or on account of deductions made for the non-execution or non-fulfilment of any contract for the execution of any such Public Work; and that I will give a true judgment and just award thereon, to the best of my knowledge and ability; and that I will take into due consideration the benefits derived and to be derived by the claimant through the construction of such Public Work, as well as the injury done thereby. So help me God."

43. The Lieutenant-Governor may appoint proper persons to act as Clerks to said Arbitrators; and may fix the amount of remuneration to be allowed any such Clerk. Clerks to Arbitrators.

44. Whenever any Arbitrator shall have concluded any such arbitration by the publication of his award thereon, he shall forthwith cause to be transmitted to the Secretary of the Department, such award, together with all depositions, documents, maps, plans, books, accounts, contracts and writings, not being private property, taken by or submitted to such Arbitrator, in the course of such arbitration, and the Secretary shall file the same as public records of the Department. Arbitrators to transmit award, etc., to Secretary.

WHAT CASES MAY BE REFERRED TO ARBITRATION.

45. If any person has any claim for real or personal property taken, or for alleged direct or consequent damage to such property, arising from the construction, or connected with the execution of any Public Work undertaken at the expense of the Province; or any claim arising out of or connected with the execution, or fulfilment, or on account of deductions made for the non-execution, or non-fulfilment of any contract for the execution of any such Public Work, made and entered into with the Commissioner, either in the name of Her Majesty, or in any other manner whatsoever; such person may give notice in writing of such claim to the Commissioner, stating the particulars thereof, and how the same has arisen; and thereupon the Commissioner may at any time within thirty days after such notice, tender what he considers a just satisfaction for the same, with notice that unless the sum so tendered is accepted in ten days after such tender, the said claim will be submitted to Arbitration. How and in what cases claims are to be made.

46. Before any claim under this Act shall be arbitrated upon, the claimant shall give security to the satisfaction of the arbitrators, or any one of them, for the payment of the costs and expenses incurred by the arbitration, in the event of his being awarded to pay such costs. Security for costs by claimant.

47. No arbitration shall be allowed in any case where, by the terms of the contract therein, it is provided that the determination of any matters of difference arising out of or connected with the same, shall be decided by the Commissioner or the Architect and Engineer, or other officer of the Department. No arbitration when the contrary is provided by the contract.

48. No claim of any kind for compensation in respect of any contract made, or for any loss or damage occasioned by anything done, under this Act, by, or under the authority of, the Department or the Commissioner, shall be submitted to or entertained by any Arbitrator, unless such claim and the particulars thereof have been filed with the Secretary of the Department within six months next after the loss or injury complained of, or after the date of the final estimate made under such contract. Limitation of time in which claims must be made.

POWERS OF ARBITRATORS, AND PROCEEDINGS BY OR BEFORE THEM.

49. The Arbitrators may, by summons or order in writing, signed by any one of them, to be served upon, or left at the last usual Power to summon witnesses.

Penalty for
non-attend-
ance.

place of residence of, the person to whom it is addressed, command the attendance, from any part of the Province, of any witness, or the production of any documents required by any of the parties, and may swear the said witness to testify truly respecting the matters on which he is to be interrogated; and the disobedience of such summons or order, shall subject the person disobeying, to a penalty of not less than five dollars, nor more than twenty-five dollars, to be recovered before any Justice of the Peace, and levied under the warrant of such Justice, by distress and sale of the goods and chattels of the offender, 10 unless such person establishes reasonable cause for such disobedience.

What evi-
dence, &c.,
disallowed.

50. But no person shall be compelled to give any evidence, or to produce any document which he would not be compelled to give or produce at a trial in any Superior Court of the Pro- 15 vince; or to attend as a witness more than three consecutive days; and every witness shall be allowed, in addition to his reasonable travelling expenses, a sum not exceeding five shillings a-day, at the discretion of the Arbitrators, such remuneration to be paid by the party requiring his attendance. 20

Arbitrators to
consider the
advantages as
well as disad-
vantages of
work to
claimant.

51. The Arbitrators shall consider the advantage as well as disadvantage of any Public Work as respects the real or personal property of any person through which the same passes, or to which it is contiguous, or as regards any claim for compensa- 25 tion for damage caused thereby; and the Arbitrators shall, in estimating and awarding the value of any property, real or personal, taken for any Public Work, or the amount of damages to be paid to any person, take into consideration the advantages accrued, or likely to accrue, to such person or his estate, as well as the damage occasioned by reason of such Work. 30

Value to be
estimated as
at the time of
taking posses-
sion, &c.

52. The Arbitrators, in estimating and awarding the amount to be paid to any claimant for any property, real or personal, taken by the Commissioner under this Act, or for any injury in respect thereof, shall assess the value thereof as at the time 35 when such property was so taken or injured, and not as at the time of making their award.

Awards upon
contracts in
writing.

53. In awarding upon any claim arising out of any contract in writing, the Arbitrators shall decide in accordance with the stipulations in such contract, and shall not award compensation to any claimant on the ground that he expended a larger sum 40 of money, in performance of his contract, than the amount stipulated therein; nor shall they award interest on any sum of money which they consider to be due to such claimant, in the absence of any contract in writing, stipulating payment of such interest; and any clause in any such contract in which a draw- 45 back or penalty is stipulated for the non-performance of any condition thereof, or any neglect to complete any Public Work, or to fulfil any covenant or promise in such contract, shall not be construed as comminatory, but as importing an assessment by mutual consent of the damages caused by such non-perform- 50 ance or neglect.

How penal-
ties in con-
tracts shall be
construed.

Evidence to
be taken in
writing.

54. In the investigation of any claim, the Arbitrators shall cause all legal evidence, offered on either side, to be taken down and recorded in writing, and shall make and keep a list of all

plans, receipts, vouchers, documents, and other papers which may be produced before them during such investigation; but they may, with the consent in writing of the Commissioner and of the opposite party, take the testimony of the witnesses adduced on either side, orally, and in such case need not reduce it to writing. Except by consent.

55. If the sum awarded in any case is greater than the sum tendered, the Commissioner shall pay the costs of the arbitration; but if less, the costs shall be paid by the person who refused the tender; and such costs shall in other cases, where the award is in favour of the claimant, be paid by the Commissioner, in addition to the sum awarded; and where the award is in favour of the Commissioner, shall be paid by the claimant; and shall in all cases be taxed by the proper officer of the Court of Queen's Bench or Common Pleas for Ontario. By whom the costs shall be paid.

56. All Acts and parts of Acts of the Parliament of the late Province of Canada, respecting Public Works, which were in force at the time this Act takes effect, are hereby repealed, so far as they relate to Ontario. Former Acts repealed.

No. 71.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act respecting the Public Works of
Ontario.

First reading, Nov. 25, 1868.

Hon. JOHN CARLING.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1 - Reading 20 November 1868
2 " 19 December "
3 " 13 January 1869

No. 72.]

BILL.

[1868.

An Act to Amend and Confirm the Charter of "The
Ottawa and Gloucester Road Company."

WHEREAS, "The Ottawa and Gloucester Road Company,"
by registration of the requisite instruments in the Regis-
try Office of the County of Carleton, on the twentieth day of
January, one thousand eight hundred and sixty-five, became
5 Incorporated under the provisions of the Act of the late Pro-
vince of Canada, intituled "An Act respecting Joint Stock
Companies, for the construction of Roads and other works in
Upper Canada," but failed to complete their said road within
the time required by the seventy-first section thereof, and
10 doubts have arisen as to the legality of a by-law of the County
Council of the County of Carleton, (in which County said road
is situated,) granting further time for the completion thereof,
involving a forfeiture of their corporate powers; Therefore,
Her Majesty, by and with the advice and consent of the Legis-
15 lative Assembly of Ontario, enacts and declares as follows :—

1. That the said By-Law of the County Council of the
County of Carleton, made under the provisions of the seventy-
first section of the said Act, (chapter forty-nine of the Con-
solidated Statutes of Upper Canada,) granting further time to
20 "The Ottawa and Gloucester Road Company" for the comple-
tion of their said road, and numbered one hundred and thirty-
six, was and is, and shall continue to be legally operative, made
and binding for the purposes therein contained.

2. "The Ottawa and Gloucester Road Company" are hereby
25 declared to be, and to have been since the registration of the re-
quisite instruments as aforesaid, an Incorporated Company under
such name, and all tolls collected, calls for the payment of stock,
contracts, agreements, bonds, deeds, conveyances, matters or
things, made, received, executed, granted or done, are, and shall
30 be legal and binding, and the said Company shall continue
to possess all the corporate and other powers conferred by the
said above-mentioned Act.

No. 72.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to Amend and Confirm the Charter
of "The Ottawa and Gloucester Road
Company.

1st Reading, November 26, 1868.

Mr. LYON.

TORONTO

PRINTED BY HUNTER, ROSE & Co.

2
3
No. 73]

BILL.

[1868.

An Act to Repeal certain Acts and Enactments therein mentioned; and to abolish the Court of Impeachment for the Trial of County Judges.

HER Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. Chapter fourteen of the Consolidated Statutes for^{Chap 14, Con.} Upper Canada, entitled "*An Act respecting the Court of^{St. U. C.,}*" and chapter thirty-eight of the Statutes of the^{and 29 and} late Province of Canada, passed at a session of Parliament held^{30 Vic, chap.} in the twenty-ninth and thirtieth years of Her Majesty's Reign, entitled "*An Act to amend the Act respecting the Court of Impeachment for Upper Canada*" are hereby repealed,^{33 repealed.}
10 provided always that the repeal of the said Acts shall not affect, defeat or invalidate any proceedings that may have been^{Proviso.} had, instituted, prosecuted or concluded under the authority of the said Acts or either of them.

No. 73.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to Repeal certain Acts and Enactments therein mentioned; and to abolish the Court of Impeachment for the trial of County Judges.

First reading, Nov. 26, 1868.

Attorney-General MACDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

Discharged 1 December

No. 74.]

BILL.

[1868.

An Act to separate the Township of Delaware from the West Riding of the County of Middlesex, and to annex the same to the East Riding of the said County.

WHEREAS the inhabitants of the Township of Delaware have, by their petition, represented that it would be advantageous to them that the said Township should be separated from the West Riding of Middlesex, and annexed to the East Riding of said County, and it is expedient to grant the prayer of their petition; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Upon, from and after the first day of January, one thousand eight hundred and sixty-nine, the said Township shall be separated from the West Riding of the County of Middlesex, and annexed to the East Riding of said County for all purposes whatsoever.

No. 74.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to separate the Township of Delaware from the West Riding of the County of Middlesex, and to annex the same to the East Riding of said County.

First Reading, Nov. 26, 1868.

Mr. CURRIE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 75.]

BILL.

[1868.

An Act to Incorporate the Ottawa Unity Protestant Benefit Society.

WHEREAS there has existed for six months past, in the City of Ottawa, an association known by the name of "The Ottawa Unity Protestant Benefit Society," which has for its object to aid and assist its members, in cases of sickness, to defray the necessary expenses attending the funerals of deceased members, and to make a certain provision for their widows or nominees.

Preamble.

And whereas the members of this Association have asked, by petition, that it be incorporated, and it is right to accede to their request: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. George Honey Preston, Robert William Gibson, Hugh Davies, William Porter, William Truman, Henry Fellowes,

Certain persons incorporated.

James Green, William Kerr, William Letherland, James Seager, Samuel McCandlish, Henry Lepine, Samuel Greenfield, John Ardell, George I. Blyth, together with such other persons as now are members of the said institution, or may hereafter become members thereof, in virtue of this Act, shall be, and they

are hereby constituted a body politic and corporate in fact and in name, under the style or title of "The Ottawa Unity Protestant Benefit Society" for aiding and assisting its members in cases of sickness, and of providing assistance in the defrayal of the necessary expenses attending the funerals of its deceased

Corporate name and powers.

members, and further, to secure certain sums of money to be paid to and for the sole use and benefit of the widows or nominees of its deceased members, and by that name shall have power from time to time, and at any time hereafter, to purchase acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real estate being and situated in the Province of Ontario, necessary for the actual use and occupation of the said corporation, not exceeding in annual value two thousand dollars, and the said property to mortgage, sell, alienate and

Real property:

dispose of, and to acquire other instead thereof for the same purposes, and any majority whatsoever of the said corporation for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, nor with the laws then in force in

By laws.

the Province of Ontario, as they may deem expedient and necessary for the interest and administration of the affairs of the said corporation, and for the admission of members thereof; and the same to amend and repeal from time to time, in whole

and the same to amend and repeal from time to time, in whole

Further powers of majority.

or in part, and also such regulations and by laws of the said Association as may be in force at the time of the passing of this Act; such majority may also execute and administer, or cause to be executed and administered, all and every the other business and matters appertaining to the said corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and by-laws to be hereafter passed and established. 5

Application of revenue of the corporation.

2. Provided always that the rents, revenues and profits arising out of every description of movable property belonging to the said corporation, shall be appropriated and employed exclusively for the use of the said corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to. 10 15

Transfer of property of the Association to the corporation.

3. All real and personal estate at present the property of the said Association, or which may hereafter be acquired by the members thereof, in their capacity of such, by purchase, donation or otherwise, not exceeding the value aforesaid, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the corporation constituted by this Act, and the said corporation shall be charged with all the liabilities and obligations of the said Association, and the rules, regulations and by-laws now or hereafter to be established, for the management of the said Association, shall be and continue to be the rules, regulations and by-laws of the said corporation, until altered or repealed in the manner prescribed by this Act. 20 25

Recovery of money due to the corporation.

4. All subscriptions and penalties due to the corporation under any by-law, may be recovered by suit in the name of the corporation. 30

Appointment of Trustees and other officers.

5. The members of the said corporation, for the time being, or the majority of them, shall have power to appoint Trustees and such other officers, managers, administrators or servants of the said corporation, as may be required for the due management of the affairs thereof, and to allow to them respectively, a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said corporation, as may be conferred upon them by the regulations and by-laws of the said corporation. 35 40

Annual returns to the Government.

6. The said corporation shall be bound to make annual reports to the Lieutenant-Governor, and the Legislative Assembly of Ontario, containing a general statement of the affairs of the corporation, which said report shall be presented within the first twenty days of each and every session of the said Parliament. 40

Public Act.

7. This Act shall be deemed a Public Act.

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" 3 December "
9 January 1869

No. 76.]

BILL.

[1868.

An Act to amend the Municipal Institutions Act of
Upper Canada with respect to Drainage.

HER Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

In case a majority in number of the resident owners of the
5 property in any part of any municipality do petition the
Council for the deepening of any stream, creek, or water course,
or for draining of the property (describing it), the Council may
procure an examination to be made by an engineer, or other
competent person, of the stream, creek or water-course proposed
10 to be deepened, or of the property proposed to be drained, and
may procure plans and estimates to be made of the work,
by such engineer or person.

If the Council be of opinion that the deepening of such
stream or water-course, or the draining of the locality described,
15 or a portion thereof, would greatly benefit the Municipality,
the Council may pass a by-law :

1. For proceeding for the deepening of the stream, creek or
water-course, or the draining of the locality.

2. For assessing and levying in the same manner as taxes
20 are levied, upon the real property to be benefitted by the deep-
ening or draining, a special rate sufficient to include a sinking
fund for the re-payment of the debentures which such councils
are hereby authorized to issue in such cases respectively, to
provide funds for such improvement, and for so assessing and
25 levying the same, as other taxes are levied, by an assessment
and rate on the real property so benefitted, as nearly as may be
to the benefit derived by each lot or portion of lot and road in
the locality ; provided always that any person whose property
has been assessed for such deepening or drainage may pay the
30 amount of such assessment, less the interest, at any time before
the debentures are issued.

3. For regulating the times and manner in which the assess-
ment shall be paid.

4. For ascertaining and determining, through the engineer
35 or person aforesaid, what real property will be immediately
benefitted by the deepening or draining, and the proportion in
which the assessment should be made on the various portions of
lands so benefitted, and subject in every case to an appeal to
the Council and the County Court Judge, in the same manner

and on the same terms, as nearly as may be, as in the case of an ordinary assessment.

5. But the by-laws shall not be valid unless before the final passing thereof, the same has been published once or oftener in every week for four weeks, in some newspaper in the municipality, or if no newspaper be published therein, then in some newspaper published in the nearest municipality in which a newspaper is published. 5

6. Whenever it is necessary to continue the deepening or drainage aforesaid beyond the limits of any municipality, the engineer or other person employed by the Council of such municipality, may continue the survey and levels into the adjoining municipality, until he finds fall enough to carry the water beyond the limits of the municipality in which the deepening or draining was commenced. 15

7. When a drain does not extend beyond the limits of the municipality in which it is commenced, but in the opinion of the engineer or other person aforesaid, benefits lands in an adjoining municipality, or greatly improves any road lying within any municipality, or between two or more municipalities, then the engineer or other person aforesaid, shall charge the lands to be so benefitted, and the corporation or corporations whose road or roads are improved, with such proportion of the costs of the work as he may deem just, and the amount so charged for roads, or agreed upon by the arbitrators, shall be paid out of the general funds of such municipality. 25

8. The engineer or other person aforesaid, shall determine and report to the Council by which he was employed, whether the deepening or drainage shall be constructed and maintained solely at the expense of such municipality, or whether it shall be constructed and maintained at the expense of both municipalities, and in what proportion. 30

9. The engineer or other person aforesaid, when necessary, shall make plans and specifications of the deepening or drainage to be constructed, and charge the lands to be benefitted by the work as provided herein. 35

10. The Council of the municipality in which the deepening or drainage is to be commenced, shall serve the head of the Council of the municipality into which the same is to be continued, or whose lands or roads are to be benefitted without the deepening or drainage being continued, with a copy of the report, plans and specifications of the engineer or other competent person aforesaid, when necessary, so far as they affect such last mentioned municipalities, and unless the same is appealed from as hereinafter provided, it shall be binding on the Council of such municipality. 45

11. The Council of such last mentioned municipalities shall, within two months from the delivery to the head of the corporation, of the engineers or other competent person's report, as provided in the next preceding sub-section, pass a by-law in the same manner as if a majority of the resident owners of the lands taxed had petitioned as provided in the two hundred and 50

eighty-first section of this Act, to raise such sum as may be named in the engineer's report, or in case of an appeal, for such sum as may be determined by the arbitrators.

12. The Council of the municipality into which the deepening or drainage is to be continued, or whose lands, road or roads are to be benefitted without the deepening or drainage being carried within its limits, may within ten days from the day in which the report was served on the head of the municipality, appeal therefrom, in which case they shall serve the head of the corporation from which they received the report, with a written notice of appeal, such notice shall state the grounds of appeal, the name of an engineer or other person as their arbitrator, and calling upon such corporation to appoint an arbitrator in the matter on their behalf, within ten days after the service of such notice, and in default thereof it shall be lawful for the Council of the municipality appealing, therefrom to appoint such second arbitrator, and the two arbitrators so appointed shall forthwith appoint a third arbitrator in the matter: Provided always that in no case shall the engineer or other competent person aforesaid, employed to make surveys, plans and specifications, or a member of any Council concerned, be appointed or act as arbitrator.

13. If after the arbitrators have been appointed as aforesaid they fail or neglect for the space of six days to appoint a third arbitrator, the Judge of the County Court of the county in which the municipality appealing is situated, shall within four days after a request in writing made upon him by either of the two arbitrators appointed as above, appoint a third arbitrator.

14. The arbitrators before proceeding to try the matter of the arbitration shall take and subscribe the following oath (or in case of those who affirm, make and subscribe the following affirmation) before any Justice of the Peace:

I, A. B., do swear (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises according to the evidence, so help me God; which oath or affirmation shall be filed with the award.

15. The arbitrators shall, within ten days after the appointment of the third arbitrator, meet at such place as they may agree upon, and shall then hear and determine the matter in dispute and make their award in triplicate, which shall be binding on all parties, and one copy thereof shall be filed with the Clerk of each of the municipalities interested, and one shall be filed with the Registrar of Deeds for the townships in which either of the municipalities is situate.

16. In case of difference between the arbitrators, the decision of any two of them shall be conclusive.

17. After such deepening or drainage is fully made and completed, it shall be the duty of each municipality to preserve, maintain and keep the same within its own limits, either at the expense of the municipality, or parties more immediately interested, or at the joint expense of such parties and

the municipality, as to the Council, upon the report of the engineer or other person, may seem just; and any such municipality neglecting or refusing so to do, upon reasonable notice in writing being given by any party interested therein, shall be liable to an indictment for such neglect or refusal, as well as to pecuniary damage to any person whose property shall be injuriously affected thereby. 5

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend the Municipal Institutions Act of Upper Canada with respect to Drainage.

First reading, Nov. 27, 1868.

Mr. McKellar.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

1- Reading
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" 4 December
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" " "

No. 77.]

BILL. [1868.]

An Act to amend chapter fifteen of the Consolidated Statutes of Upper Canada, intituled "*An Act respecting County Courts.*"

HER MAJESTY, by and with the advice and consent of the Preamble.
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section two of chapter fifteen of the Consolidated Statutes for Upper Canada, intituled "*An Act respecting County Courts,*" is hereby repealed. Sec. 2, Con. Stat. U. C. Chap. 15, repealed.

2. Section three of the said chapter fifteen of the Consolidated Statutes for Upper Canada is hereby repealed, and the following clause enacted in lieu thereof :— Sec. 3, Con. Stat. U. C. Chap. 15, repealed.

10 3. "The Judges of the second County Courts, holding office when the Act takes effect, as well as the Judges hereafter to be appointed, shall hold their offices during pleasure, and shall be subject to be removed by the Lieutenant-Governor, for inability, incapacity, or misbehaviour, established to the satisfaction of the Lieutenant-Governor in Council, any thing in '*The Interpretation Act,*' or any other Act, to the contrary notwithstanding." New clause substituted.

15 3. After the passing of this Act, no Junior Judge shall be appointed, in or for any County or union of Counties in Ontario. Hereafter no Junior Judge to be appointed.

20 4. Section six of the said chapter fifteen of the Consolidated Statutes for Upper Canada is hereby repealed, and the following is enacted in lieu of the same, and shall be read and construed as if it had originally formed a part of the said Act instead of the sixth clause hereby repealed :— Sec. 6, Con. Stat. U. C. Chap. 15, repealed.

25 6. "The Junior Judge for any County may preside over all or any of the Division Courts within the County, and shall as regards any such Division Courts, have the same duties, powers and authorities as the Judge; and in case of the death, illness or unavoidable absence, or absence on leave of the Judge, such Junior Judge shall, during the vacancy caused by the death of the Judge, and during such illness or absence, hold the County Courts, and shall perform and discharge all the ordinary duties and functions of, and shall exercise all the powers vested in, and do all the acts required or allowed to be done by any Judge under this Act." New clause substituted.

No. 77.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend Chapter fifteen of the Consolidated Statutes for Upper Canada, respecting County Courts.

First reading, 30th Nov., 1868

Mr. Attorney General Macdonald.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Act 31 Vic. chap. 40, intituled An Act to Incorporate the Toronto, Grey and Bruce Railway Company.

WHEREAS the Toronto, Grey and Bruce Railway Company have prayed for certain amendments of their charter, and for an extension of the favours conferred upon them thereby: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

1. That all by-laws passed or to be passed by any municipality for the purpose of aiding the said Toronto, Grey and Bruce Railway Company under the ninth section of the Act passed in the 31st year of Her Majesty's reign, chaptered forty, and entitled "an Act to incorporate the Toronto, Grey and Bruce Railway Company," and all debentures issued or to be issued under such by-law or by-laws shall be and are hereby declared to be legal and valid; provided only that such by-law or by-laws shall have been or shall be passed by a majority of rate-payers, entitled to vote at any Municipal Election who shall have voted or shall vote thereon.

By-Laws and debentures to aid the Railway Company confirmed, &c.

2. Any municipality which shall grant a bonus of not less than \$250,000 in aid of the said Company, shall be entitled to name a Director in the said Company, as the representative of such municipality, and such Director shall be in addition to all shareholders, directors in the said Company, and shall not require to be a shareholder in the said Company; and shall continue in office as a Director in the said Company until his successor shall be appointed by the municipality which he represents.

Head of municipality granting \$250,000 to be a Director.

3. In case a majority of the Municipal Electors in any portion of the territorial extent of any municipality petition the Corporation of such municipality to grant a bonus to aid and assist the said Company under the ninth section of the said recited Act, and in such petition state

When rate-payers along the line petition Corporation they shall pass a By-Law binding on the locality.

1. The amount of such bonus.

2. The time within which the debentures to be issued therefor are to be made payable.

3. The territorial extent and boundaries of the section of the municipality to be assessed therefor, of which section the petitioners form a majority of the municipal electors.

The said Corporation shall pass a By-Law in the terms of said petition.

First. For raising the amount of bonus moved in such petition by the debentures of the said municipality.

Secondly. Specifying the time within which such debentures shall be payable, and the amount for each debenture.

Thirdly. For assessing and levying upon all the rateable property lying within the section as fixed by the petition and annual special rate, sufficient to include a sinking fund, for the payment of the debentures so to be issued and the interest thereon, until such debentures and interest are paid.

And such Corporation shall thereupon issue such debentures as the debentures of the municipality, and the same shall be delivered over and dealt with in the same manner as any debentures issued under the provisions of the said recited Act, and shall be legal, valid and binding upon such municipality without any other form or proceeding whatever.

Section 10, 31
Victoria,
Chapter 40
repealed, and
new enact-
ment.

4. So much of the tenth section of the said recited Act as requires all the Trustees therein named to be residents of the city of Toronto, shall be and is hereby repealed; and in lieu thereof Her Majesty so enacts that the Trustees named by the Lieutenant-Governor, and the said Company shall alone be required to be residents of the city of Toronto.

Provisional
Directors may
commence
Railway.

5. That notwithstanding anything in the said recited Act contained, the Provisional Directors therein named are hereby empowered to commence the construction of the said railway, and such commencement shall be deemed and taken to be a commencement within the district and meaning of the thirty-third section of the said recited Act.

Addition to
section 12.

6. That the following proviso be added to the twelfth clause of the said recited Act; Provided always, that nothing in the clause contained shall apply to a par-rate application of money to any part of the said Railway between the city of Toronto and the township of Arthur.

No. 78.

2nd Session, 1st Parliament, 32 Victoria, 186

BILL.

To amend the Act 31 Victoria, Chapter 4
entitled an Act to Incorporate the Toront
Grey and Bruce Railway Company.

1st Reading, 1st December, 1868.

Mr. CAMERON

TORONTO

PRINTED BY HUNTER, ROSE & Co.

2 " 7 " "
Dropped 23 January 1869

No. 79.] BILL. [1868.

An Act to amend 27th Victoria, chapter seventeen, intituled "An Act to enable Municipal Corporations in Upper Canada to invest their surplus Clergy Reserve money for educational purposes, in certain securities; and to legalize such investments already made, and for other purposes."

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Assembly of Ontario, enacts as follows:

1. That from and after the passing of this Act, the Proviso to the first section of the said Act 27th Victoria, chapter 17, be and the same is hereby repealed, and the following enacted and inserted in lieu thereof; Provided always that no municipal corporation shall invest in such real estate securities any sum exceeding one-third of the actual value thereof, or two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll, at the time it is so invested.

Cap. 27 Vic.,
Sec. 1, repealed.
Municipal investments limited.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend 27th Victoria, chapter seventeen, intituled "An Act to enable Municipal Corporations in Upper Canada to invest their surplus Clergy Reserve money for educational purposes in certain securities, and to legalize such investments already made and for other purposes."

First Reading, Dec. 1, 1868.

Mr. LYON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

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No. 80.]

BILL.

[1868.

An Act to authorise the Law Society of Upper Canada to admit William Darley Pollard as Barrister at law.

WHEREAS William Darley Pollard has by his petition re- Preamble.
presented that he was in the year 1846, admitted to practice as an Attorney and Solicitor in her Majesty's Courts of Law and Chancery, at Westminster, and was engaged in the
5 practice of his profession until the year 1854, that he came to Upper Canada in the year 1856 and was admitted to practise as an Attorney and Solicitor in the Courts of Upper Canada, on the first of September 1857, and has, with the exception of about one year, been ever since his admission in the Courts of
10 Upper Canada, engaged in the active practice of his profession. And for the reasons aforesaid, the said William Darley Pollard has prayed that an Act may be passed to enable the Law-Society of Ontario to call him to the Bar of Ontario as soon as he has passed such final examination as may be prescribed by
15 the said Society without requiring him to pass the preliminary examination to remain on the books of the said Society as a student for the period of five years, or to keep the terms prescribed by the rules of the said Society, and whereas it is expedient to grant the prayer of the said petition: Therefore, Her
20 Majesty, by and with the advice and consent of the Provincial Parliament of Ontario, enacts as follows:

1. It shall and may be lawful for the Law Society of Upper Canada in their discretion, and upon payment of the usual fees
therefor, at any time to call and admit the said William Darley
25 Pollard to the degree of Barrister, and to the practice of the law as such, on passing such final examination as may be prescribed by the said Society, without his compliance with any requirement or provisions of law or other rules and regulations of the said Society in that behalf, any law, custom or usage to
30 the contrary notwithstanding.

Law Society
may admit
Wm. Darley
Pollard to degree of Barrister.

2. This Act shall be deemed a Public Act.

No. 80.

2nd Session, 1st Parliament, 33 Victoria, 1868.

BILL.

**An Act to admit William Darley Pollard to
the degree of a Barrister at Law.**

First reading, Dec. 1st, 1868.

Mr. LOUNT.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Law as to Wills.

WHEREAS it is expedient to amend the law as to Wills; Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. Every Will shall be construed with reference to the real Construction.
5 and personal estate comprised in it to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention appears by the Will.
2. No conveyance or other Act made or done subsequently Subsequent
to the execution of a Will, of or relating to any real or personal only to defeat
10 estate therein comprised (except an Act by which the Will is will as to the
revoked) shall prevent the operation of the Will with respect to property conveyed.
such estate or interest in such real or personal estate as the testator shall have power to dispose of at the time of his death.
3. Every Will shall be revoked by the marriage of the testa- Will, except
15 tor, except a Will made in exercise of a power of appointment made in exercise of a power,
when the real or personal estate thereby appointed would act revoked by
on such in default of such appointment, pass to the testator's marriage.
heir, executor or administrator, or the person entitled as the testator's next of kin under the statute of distributions.
- 20 4. No Will shall be revoked by any presumption of an inten- Not by change
tion on the ground of an alteration in circumstances.
5. No Will or codicil, or any part thereof, shall be revoked otherwise than
otherwise than as aforesaid, or by an other Will or Codicil executed as aforesaid,
25 tion to revoke the same and executed in the manner in which revoked only
a Will is by law required to be executed, or by the burning, by subsequent
tearing or otherwise destroying the same by the testator, or by valid will or
some one in his presence and by his direction, with the intention written declaration executed in similar
of revoking the same. form.
- 30 6. This Act shall not apply to the Will of any person who is Party dying
dead before the first day of January, 1869. before
January, 1869.

No. 81.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend the Law as to Wills.

First reading, Dec. 1, 1868.

Mr. BLAKE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 82.]

BILL.

[1868.

An Act to authorise the Law Society of Upper Canada to admit Charles Gamon as Barrister at law.

WHEREAS Charles Gamon has by his petition represented Preamble.
that he was in the year 1848 admitted to practice as an Attorney and Solicitor in Her Majesty's Court of Law and Chancery, at Westminster, and that he practiced in his profession until he came to Canada, in 1856, and was admitted to practice as an Attorney and Solicitor in the Courts of Upper Canada in the year 1862, and has been ever since continuously engaged in the practice of his profession.

And for the reasons aforesaid, the said Charles Gamon has prayed that an Act may be passed to enable the Law Society of Ontario to call him to the Bar of Ontario as soon as he has passed such final examination as may be prescribed by the said society without requiring him to pass the preliminary examination to remain on the books of the said Society as a student for the period of five years, *or to keep the terms prescribed by the rules of the said Society*, and whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Provincial Parliament of Ontario, enacts as follows:

1. It shall and may be lawful for the Law Society of Upper Canada in their discretion, and upon payment of the usual fees therefor at any time, to call and admit the said Charles Gamon to the degree of Barrister, and to the practice of the law as such on passing such final examination, as may be prescribed by the said Society, without his compliance with any requirement or provisions of law or other rules and regulations of the said Society in that behalf any law, custom or usage to the contrary notwithstanding.

Law Society may admit Charles Gamon to degree of Barrister.

2. This Act shall be deemed a Public Act.

No. 82.

2nd Session, 1st Parliament, 32 Victoria, 1868

BILL.

An Act to admit Charles Gannon to the degree of a Barrister at law.

First reading, Dec. 1st, 1868.

Mr. LOUNT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

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19
9 January 1869
No. 83.]

BILL.

[1868.

An Act to Incorporate the Presque-Isle and Belmont
Railway Company.

WHEREAS Peter Pearce, P. Preston, Gilbert Weller, and Preamble.

David Massie, of the Township of Belmont; James Din-
woodie, Robert Cockburn, Daniel Kennedy, and James M.

Ferris, of the Township of Seymour; Issaac O. Proctor, Robert
5 J. Morrow, Daniel R. Bedell, and Austin A. Becker, of the
Township of Brighton; John Eyre, M.P.P., John E. Proctor, A.
E. Fife, Isaac M. Wellington, Wallitt M. Platt, W. W. Webb,
M. Ferris, Milton K. Lockwood, Jared O. Clark, and Adam C.

10 Webb, of the Village of Brighton, and others, have petitioned
the Legislature of this Province for an Act of Incorporation to
construct a Railway from Presque-Isle Harbour, thence through
or near the Village of Brighton, the Villages of Norham, Work-
worth, Meyersburgh and Campbellford, in the County of Nor-

15 thumberland, the Township of Belmont, the Township of Mar-
mora, to some point within the Township of Lake, in the
County of Hastings, which would develop the resources of that
part of the country, and open up for settlement a large tract of
country, at present unimproved, and lying waste, and it is
therefore expedient to grant a charter for the construction of

20 such Railway; Therefore, Her Majesty, by and with the ad-
vice and consent of the Legislative Assembly of Ontario,
enacts as follows:

1. The said Peter Pearce, P. Preston, Gilbert Weller, David
Massie, James Dinwoodie, Robert Cockburn, Daniel Kennedy,
25 James M. Ferris, Isaac O. Proctor, Robert J. Morrow, Daniel R.
Bedell, Austin A. Becker, John Eyre, M.P.P., John E. Proctor,
A. E. Fife, Isaac M. Wellington, Willett M. Platt, W. W. Webb,
M. Ferris, Milton, K. Lockwood, Jared O. Clark, and Adam C.
Webb, together with persons and corporations as shall, in pur-
30 suance of this Act, become shareholders of the said Company
hereby incorporated, are hereby constituted and declared to be
a body corporate and politic by the name of the Presque-Isle
and Belmont Railway Company.

Certain per-
sons incorpo-
rated.

2. The several clauses of the Railway Act of the Consoli-
35 dated Statutes of Canada and amendments, with respect to the
first, second, third, fourth, fifth and sixth clauses thereof, and
also the several clauses thereof with respect to "Interpreta-
tion," "Incorporation," "Powers," "Plans and Surveys," "Lands
and their Valuation," "Highways and Bridges," "Fences,"
40 "Tolls," "General Meetings," "President and Directors, their
Election and Duties," "Calls," "Shares and their Transfer,"
"Municipalities," "Shareholders," "Action for Indemnity, and
Fines, and Penalties, and their Prosecution," "By-Laws,"

Certain parts
of Railway
Clauses Act to
apply.

"Notice, &c.," "Working of the Railway," and "General Provisions," shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said Company, and to the Railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "This Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid. 5

Powers to
build a Rail-
way.

3. The said Company hereby incorporated, and their servants and agents, shall have full power under this Act to construct a Railway from any point at Presque-Isle Harbor to some point within the Township of Lake as may seem to the Company best adapted to attain the objects mentioned in the preamble, with full power to pass over such portions of the Counties of Northumberland, Peterborough and Hastings as may be determined upon, and as lie between the points aforesaid, and to carry the said Railway through the Crown Lands lying between the same. 10

Power to pur-
chase steam
vessels.

4. The said Company shall further have power to purchase, build, complete, fit out and charter, sell, or dispose of, work and control, and keep in repair one steam vessel or more, from time to time, to ply on the Rivers and Lakes adjacent to the said Railway, in connection with the said Railway, and also to make arrangements and agreements with steamboat proprietors by chartering or otherwise, to run other vessels on other Lakes or Rivers connecting with the said Railway. 25

Gauge.

5. The gauge of the said Railway shall not be less than three feet six inches, in the discretion of the Directors of the Company, and the rails may be laid either of wood, iron or other material, or partly of either, at their discretion. 30

Form of con-
veyances.

6. Conveyances of lands to the said Company, for the purposes of this Act, may be made in the form set out in the schedule hereunder written, or to the like effect, and such conveyance shall be received by the several Registrars, and be registered by duplicates thereof in such manner and upon such proof of execution as is required under the Registry laws of Ontario, and no Register shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof. 40

7. From and after the passing of this Act, the said Peter Pearce, P. Preston, Gilbert Weller, David Massie, James Dinwoodie, Robert Cockburn, Daniel Kennedy, James M. Ferris, Isaac O. Proctor, Robert J. Morrow, Daniel R. Bedell, Austin A. Becker, John Eyre, M.P.P., John E. Proctor, A. E. Fife, Isaac M. Wellington, Willett M. Platt, W. W. Webb, M. Ferris, Milton, K. Lockwood, Jared O. Clark and Adam C. Webb, shall be Provisional Directors of the said Company. 45

8. The said Provisional Directors, until others shall be named, as hereinafter provided, shall constitute the Board of Directors of the Company, with power to fill vacancies occurring therein, to associate with themselves thereon, not more than three other persons, who, upon being so named, shall be 50

come and be Directors of the Company, equally with themselves to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto, for the election of other Directors, as hereinafter provided, and with all such other powers as under the Railway Act are vested in such Board.

9. The capital of the Company hereby incorporated shall be three hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into six thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such Company; and the money so raised shall be applied, in the first place, to the payment of all expenses for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, maintaining and working of the said Railway, and the other purposes of this Act, and to no other purpose whatever.

Capital of the Company \$300,000, with power to increase.

10. And it shall further be lawful for any Municipality or Municipalities, through any part of which, or near which, the Railway or works of the said Company shall pass or be situated, or which may be benefited thereby, to aid and assist the said Company, by loaning or guaranteeing, or giving money by way of bonus or other means to the Company, or issuing Municipal bonds to, or in aid of the Company, and otherwise in such manner, and to such extent, as such Municipalities, or any of them, shall think expedient: Provided always, that no such aid, loan, bonus, or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the ratepayers, as provided in the Railway Act.

Municipalities may aid, by bonus, etc.

11. Whenever any Municipality shall grant a bonus to aid the said Company in the construction and equipping of the said Railway, the debentures therefore shall, within six weeks after the passing of the by-law authorizing the same, be delivered to their Trustees, namely, Stiles Buckley, Daniel Kennedy, and a third party, to be appointed by the Company, (who may be removed at pleasure by the said Company), and such Trustees shall receive the said debentures in trust: firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of the said debentures in some one of the chartered Banks, having an office either in the Towns of Cobourg or Belleville, under the style of the Presquet Isle and Belmont Railway Municipal Trust Account, and to pay the same out to the said Company from time to time, on the certificate of the Chief Engineer of the said Railway, in the form set out in Schedule B, hereto, or to the like effect, to be expended by them *pro rata* on each mile of Railway built between the point of commencement at Presque Isle Harbour and the point within the Township of Lake; and the said certificate of the Chief Engineer shall set out the portion of the Railway to which the money to be paid out is to be applied, the total amount expended on such portion to the date of such certificate, and that the sum so certified, does not exceed the *pro rata* amount to be applied on the work done, the said certificate to be attached to the cheques of the said Trustees respectively, as they shall be drawn, and the wrongfully granting of any such

certificates by such Engineer shall be a misdemeanour, punishable by fine or imprisonment by any Court of competent jurisdiction in the Province of Ontario. The act of any two such Trustees to be as valid and binding, as if the three had agreed.

12. As soon as shares to the amount of thirty thousand 5
dollars of the Capital Stock of the said Company shall have
been subscribed, and ten per cent. thereof paid up *bona fide* ;
the Directors shall call a general meeting of the subscribers for
the said Capital Stock, who shall have so paid up ten per cent.
thereof for the purpose of electing Directors of the said Com- 10
pany.

May be called
by five sub-
scribers in
case of neglect
by Provisional
Directors.

13. In case the Provisional Directors neglect to call such
meeting for the space of three months after such amount of the
Capital Stock shall have been subscribed, and ten per cent.
thereof so paid up, the same may be called by any five of the 15
subscribers who shall have so paid up ten per cent., and who
are subscribers among them for not less than one thousand dol-
lars of the said Capital Stock, and who have paid up all calls
thereon.

Notice
thereof.

14. In either case, notice of the time and place of holding 20
such general meetings shall be given by publication in one news-
paper in each of the Counties of Northumberland and Peter-
borough, once in each week for the space of one month, and
such meeting shall be held in the village of Campbell-
ford, in the Township of Seymour, at such place therein, and on 25
such day as may be named by such notice.

Election of
Directors.

15. At such general meeting the subscribers for the Capital
Stock assembled, who shall have so paid up ten per cent. thereof,
with such proxies as may be present, shall choose nine persons
to be Directors of the said Company and may also make or pass 30
such rules and regulations and by-laws as may be deemed ex-
pedient, provided they be not inconsistent with this Act.

Qualification.

16. No person shall be qualified to be elected as such Direc-
tor by the shareholders, unless he be a shareholder, holding at
least ten shares of Stock in the Company, and unless he has 35
paid up all calls thereon.

General
annual meet-
ings.

17. Thereafter, the general annual meeting of the shareholders
of the said Company, shall be held in such place in the village
of Brighton, and on such days and at such hours as may be
directed by the by-laws of the said Company, and public notice 40
thereof shall be given at least thirty days previously, in the
Gazette, and in one or more newspapers published in the Coun-
ties of Northumberland and Peterborough.

Special
general meet-
ings.

18. Special General Meetings of the shareholders of the said
Company may be held at such places in the village of Brighton, 45
and at such times, and in such manner, and for such purposes
as may be provided by the by-laws of the said Company.

19. For the purpose of constructing, maintaining and using
the said Railway and other works necessary for the proper
construction, maintenance and use thereof, the Directors of the 50
said Company may raise in such manner, by loan or by sub.

scription of stock, and issuing of shares or otherwise, as they may deem expedient; such capital sum as mentioned above such shares to be issued in sums of fifty dollars each as aforesaid.

- 5 **20.** The Directors may from time to time execute, issue and deliver such stock, scrip, certificates, bonds, debentures, mortgages, or other securities as they may deem expedient for raising the said capital sum for the time being, authorized to be raised by the said Company, or for raising any part thereof. Stock, scrip, bonds, &c.
- 10 **21.** The said Company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such promissory note made or endorsed; or any such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a quorum of the Directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President, or the Secretary and Treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors, as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said Company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. Promissory notes.
- 15 **22.** All such bonds, debentures, mortgages and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer, and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name. Interest warrants or coupons.
- 20 **23.** Every subscriber for, or holder of one or more shares of the said Capital Stock, shall, at any general meeting of the shareholders, be entitled to one vote for every share subscribed for or held by him. Number of votes.
- 25 **24.** Any meeting of the Directors of the said Company regularly summoned, at which not less than five Directors shall be present, shall be competent to exercise, and use all and every of the powers hereby vested in the said Directors. Quorum.
- 30 **25.** On the subscription for shares of the said Capital Stock, each subscriber shall pay forthwith to the Directors, for the purpose set out in this Act, ten per cent. of the amount subscribed by him, and the said Directors shall deposit the same in some chartered bank to the credit of the said Company, and no subscriber shall be entitled to vote on the stock subscribed for by him, until such ten per cent. be *bona fide* paid. Ten per cent. on subscriptions.
- 35 **26.** Hereafter calls may be made by the Directors, for the time being, as they shall see fit, provided that no calls shall be

made at any one time of more than ten per cent. of the amount subscribed by each subscriber.

Company may
purchase addi-
tional lands.

27. Whenever, for the purpose of procuring sufficient lands for stations or gravel pits, or other purposes for constructing, maintaining and using the said Railway, it shall be necessary to purchase more land than is required for such stations, or gravel pits or other purposes; it is enacted that the said Company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their Railway, in such manner, and for such purposes connected with the constructing, maintenance or use of the said Railway, as they may deem expedient, and to sell and convey the same, or parts thereof, from time to time, as they may deem expedient. 5 10

Aliens may
vote, &c.

28. Any shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same, and to be eligible to office in the said Company. 15

Forfeiture of
Act for non-
user.

29. This Act and all the provisions thereof, shall become null and void, unless the construction of the said Railroad be commenced within two years and completed within five years of the passing of the same. 20

Interpretation
Act.

30. The Interpretation Act shall apply to this Act.

No. 83.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to incorporate the Presque-Isle and
Belmont Railway Company.

First Reading, Dec. 1, 1868.

Mr. EYRE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

1 Reading / December 1888
2 " 19 " 1888
3 " 11 January 1889

No. 84.] **BILL.** [1868.

An Act to Incorporate the Ontario Trust and Investment Company.

WHEREAS the persons hereinafter named, and others, propose to establish a Joint Stock Company, and have petitioned for an Act of Incorporation for said Company; therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Honourable John Ross, of the City of Toronto, Senator of the Dominion of Canada; A. M. Smith, Esquire, of Toronto; Rev. Enoch Wood, D.D., of Toronto; James Halden, Esquire, of the Town of Whitby, Official Assignee for the County of Ontario; Joseph Cawthra, Esquire, of the village of Newmarket, in the County of York; James Crowther, of the City of Toronto, Barrister-at-Law, and William Beatty, Esquire, M.P.P., of the village of Thorald, in the County of Welland, (who shall be Provisional Directors), and all other person and persons, body and bodies politic, as shall from time to time be possessed of any share or shares in the undertaking, shall be united into a Company, and shall be one body politic and corporate by the name of "The Ontario Trust and Investment Company," and by that name shall have perpetual succession and a common seal, with power to break and alter such seal, and by that name shall sue and be sued, plead and be impleaded in all Courts whatsoever.
2. The Capital Stock of the Company shall be one hundred thousand dollars, divided into two thousand shares of fifty dollars each; provided that Stock to the amount of twenty thousand dollars shall be subscribed, and ten thousand dollars thereof paid up before the Company shall go into operation, and for every year thereafter at least a further sum of ten per centum upon the allotted Stock of the Company shall be called in and made payable, until the whole shall have been so called in, so soon as the sum of seventy-five thousand dollars is paid up the Company shall have power to increase its Capital Stock to two hundred thousand dollars by a declaration to that effect, executed under the seal, and signed by the President of the Company, so empowered as hereinafter provided, and deposited in the office of the Registrar of the Province of Ontario, and such increased Capital Stock of one hundred thousand dollars shall also be divided into two thousand shares of fifty dollars each, and be paid up in at least ten equal annual instalments.
3. The Company may acquire, hold, and dispose of the stocks, bonds, debentures and municipal securities, and the obligations of Corporate Companies, and may buy and sell evidences

Certain persons incorporated.

Corporate name.

Capital and provision for increase.

Company may acquire certain securities.

of debt secured by mortgage or pledge of freehold or leasehold lands.

Borrowing
powers of the
Company.

4. The Directors may from time to time, with the consent of the shareholders present, or represented in a general meeting, borrow money on the debentures of the Company, at such rates of interest and upon such terms as they may think proper, and the Directors may for that purpose, make or cause to be made, debentures under the common seal of the Company, for sums not less than ~~one hundred~~ dollars, which may be payable at any place, and either to order or bearer, and may have interest coupons attached; provided that no lenders shall be required or be bound to inquire into the occasion of any such loan, or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted, and the said Company may receive money on deposit, provided that the aggregate amount of such deposits, together with the amount of debentures issued and remaining unpaid, shall not at any time exceed the amount of cash and securities, at their cash value, belonging to the Company, and shall at no time exceed the paid up capital of the Company.

May act as a
Trust Association
and deal
in certain
securities.

5. The Company is empowered to act as an Agency and Trust Association, and may hold, invest and deal with such moneys, mortgages, securities or evidences of debt as shall from time to time be transferred or delivered to the Company, upon trust or as agents, and may exercise all the rights with the parties so transferring or delivering the same might or could exercise, and the Company may give such guarantee as may be agreed on for repayment of principal and interest, or both, of any such moneys, mortgages, securities or evidences of debt.

May hold
estate.

6. The Company may hold such real estate, including lands actually required by them for an office in the City of Toronto, as may be acquired by them for the protection of their investments, and may, from time to time, sell, mortgage, lease or otherwise dispose of the same: Provided always, that the Company shall sell any such real estate, the premises occupied by the Company as aforesaid excepted, within five years after so acquiring it, and that the same shall not at any time exceed in annual value the sum of

Same to be
sold.

Head-Office.

7. The head office of the Company shall be in Toronto, but the Directors may have offices in London, England,

Offices in.

and may appoint Trustees to manage them, and for such other purposes as the Directors shall determine, and the debentures, coupons or dividends of the Company may be payable at any place in London.

How trans-
mission of
interest to be
authenticated.

8. The transmission of the interest in any share of the Capital Stock, in consequence of marriage, death or insolvency of a shareholder, or by any other means than an ordinary transfer, shall be authenticated, and made in such form, by such proof, and generally in such manner as the Directors shall from time to time require, or by by-law direct.

9. Interest shall accrue, and fall due at the rate of six per cent. per annum upon the amount of any unpaid call from the day appointed for payment of such call. Interest on calls overdue.

10. The Company may enforce payment of all calls and interest thereon by action in any competent Court, and in such action, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount in respect of one call or more, upon one share or more, stating the number of calls, and the amount of each whereby an action hath accrued to the Company under this Act, and a certificate under their seal, and purporting to be signed by the President, Secretary or General Manager of the Company, to the effect that the defendant is a shareholder; that such call or calls have been made, and that so much is due by him and unpaid thereon, shall be received in all Courts of law and equity as *prima facie* evidence to that effect. Action for calls.

15 What only need be alleged and proved.

11. If after such demand or notice, as the by-laws of the Company may prescribe, any call made upon any share or shares be not paid within such time as by such by-laws may be limited in that behalf, the Directors, in their discretion, by vote to that effect, reciting the facts, and duly the same being recorded in their minutes, may summararily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the Company, and may be disposed of as by by-law or otherwise, they shall ordain. Forfeiture for non-payment.

12. The shareholders of the Company shall have full power in all things to administer the affairs of the Company, and to make by-laws regulating the issue and registration of certificates of stock, the increase of Capital Stock, the transfer of stock, the calling in of amounts due on subscribed stock, the declaration and payment of dividends, the number of Directors, their term of service, the amount of their stock qualification, the appointment, functions, duties, and removal of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration, and that (if any) of the Directors, the place or places where the annual meeting of the Company shall be held, and where the business of the Company shall be conducted, the calling of meetings, regular and special, of the Board of Directors of the Company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures, admitting of regulation by by-law, and the conduct of all other particulars of the affairs of the Company, and may from time to time repeal, amend, or re-enact the same. Shareholders may make by-laws.

13. Every shareholder in the Company shall be entitled to one vote for each share he may hold in the Capital Stock of the Company, at least one month prior to the time of voting; provided that no shareholder being in arrears in respect of any call shall be entitled to vote at any meeting of the Company, and the votes of the shareholders may be given in person or by proxy. Voting.

Certified copy
of by-law
evidence.

14. A copy of any by-law of the Company under their seal and purporting to be signed by any of the officers aforesaid, shall be received as *prima facie* evidence of such by-law in all courts of law and equity in this Province.

First meeting
of share-
holders.

15. So soon as twenty thousand dollars of the Capital Stock shall have been subscribed, and ten thousand dollars thereof paid up, the Directors shall call a general meeting of the shareholders, to be held in the city of Toronto, of which meeting, not less than ten days' notice shall have been given by public advertisement in the *Ontario Gazette*, for the purpose of passing By-Laws for the management of the affairs of the Company, the election of Directors, the appointment of Officers, and generally for the exercise of the powers conferred on the shareholders by the twelfth section of this Act. 5 10

Powers of Pro-
visional Direc-
tors to cease.

16. So soon as Directors shall have been appointed under the next preceding section, the powers and functions of the Provisional Directors shall cease and determine. 15

Failure of
election of
Directors not
to dissolve
Company.

17. If, at any time, an election of Directors be not made or do not take effect at the proper time, the Company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the Company duly called for that purpose. 20

Annual
Meeting.

18. The general annual meeting of the Company shall be held on the last Wednesday of the month of January in each year, and at such meeting a full and detailed statement of the financial affairs of the Company up to the thirty-first day of December, of the year then last past, shall be submitted to the stockholders, and shall appear in the Books of the Company and be open for the inspection of the shareholders; but such annual general meeting may be adjourned to a future day, with the consent of a majority of the stockholders present or represented at the meeting. 25 30

Books to be
kept.

19. The Company shall cause a book or books to be kept by the Treasurer, or by some other officer specially charged with that duty, wherein shall be kept recorded:— 35

By-Laws.

1. A correct copy of the Act incorporating the Company, as also of any and every by-law thereof.

Names.

2. The names, alphabetically arranged, of all persons who are or have been shareholders.

Addresses.

3. The addresses and calling of every such person while such shareholder. 30

Shares.

4. The number of shares of stock held by each shareholder.

Transfers.

5. All transfers of stock in their order, as presented to the Company for entry, with the date and other particulars of each transfer, and the date of the entry thereof, and 35

Directors.

6. The names, addresses, and calling of all persons who are, or who have been Directors of the Company, with the several dates at which each became, or ceased to be such Director.

20. No transfer of stock shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferees liable *ad interim* jointly and severally with the transferror to the Company and their creditors, until entry thereof has been duly made in such book or books.

Effect of transfer limited until entered.

21. The stock and transfer book shall, during reasonable business hours of every day, except Sunday and Statutory holidays, be kept open for the inspection of shareholders and creditors of the Company, and their personal representatives, at the office or chief place of business of the Company, and every shareholder, creditor or representative may make extracts therefrom.

The Books to be open to stockholders and creditors.

22. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated in any suit or proceeding against the Company, or against any shareholder.

Effect as evidence.

23. Every Director, officer or servant of the Company, who knowingly makes, or assists to make, any untrue entry in any such book, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts taken therefrom, shall be liable to a penalty not exceeding twenty dollars for making each such untrue entry, and for each refusal or neglect, and also for all loss or damage which any party interested may have sustained thereby.

Penalty for untrue entries.

24. The Company shall not be bound to see to the execution of any trusts whether express, implied or constructive in respect of any shares, and the receipt of the shareholder in whose name the same may stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect to such shares, and whether or not such notice of such trust shall have been given to the Company, and the Company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to see to trusts.

25. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and any cheque made, drawn or endorsed on behalf of the Company, by any agent, officer or servant of the Company in general accordance with his powers as such, under the by-laws of the Company, not inconsistent with this Act, shall be binding upon the Company, and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order, nor shall the party so acting as agent, officer or servant of the Company be thereby subjected to any individual liability whatever to any third party therefor.

Contracts by the Company, how to be executed.

26. Each shareholder, until the whole of his stock has been paid up, shall be individually liable to the creditors of the Company to an amount equal to that not paid thereon; but shall not be liable to an action therefor by any creditor, before an execution against the Company has been returned unsatisfied

Liability of shareholder.

in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs, against such shareholder.

Limit of
Shareholders
liability.

27. The shareholders of the Company shall not, as such, be held responsible for any act, default, or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to, or connected with the Company beyond the amount of their respective shares in the capital stock thereof. 5

Actions and
Witnesses.

28. Any description of action may be prosecuted and maintained between the Company and any shareholder thereof, and no shareholder, not being himself a party to such suit, shall be incompetent as a witness therein; and the officers of the Company shall be competent witnesses in all actions brought by or against the Company. 10 15

Annual state-
ment required.

29. The Company shall make and furnish to the Lieutenant Governor, and to the Legislative Assembly of Ontario, during the first days of the first Session, in each and every year, a full and unreserved statement of the affairs of the said Company, and of its funds, property, and securities. 20

No. 84.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to incorporate the Ontario Trust
and Investment Company.

PRIVATE BILL.

First reading, Dec. 1, 1868.

Mr. LOUNT.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to vest certain Real Estate in the Trustees of the Adelaide Street Wesleyan Methodist Church, Toronto, with power to sell and convey the same and to apply the proceeds in the erection of a new Church.

WHEREAS James Rogers Armstrong, of the town of Whitby, Preamble.

Esquire; the Reverend John Ryerson, of the town of Brantford; Robert Petch, of the city of Toronto, carpenter and builder; the Reverend Egerton Ryerson, D. D., of Toronto; 5 the Reverend Anson Green, D. D., of Toronto; Samuel Rogers, of Toronto, painter; Gilbert Percy, of Toronto, painter; Robert James, of Toronto, carpenter; and James Hodgson, of the village of Weston, schoolmaster, have, by their petition, set forth that they hold certain real estate, to wit: all that parcel of land and 10 premises situate on the south-east corner of Adelaide and Toronto Streets in said city of Toronto, and being seventy-eight feet on Adelaide Street by ninety-seven feet on Toronto Street, and is known as the Adelaide street Wesleyan Methodist Church property and the premises and appurtenances thereunto belong- 15 ing, and which is more particularly described in a certain deed of conveyance made by one James Rogers Armstrong of the one part, and the Reverend John Ryerson, James Foster, of the city of Toronto, shoemaker; James Rogers Armstrong, of Toronto, merchant; John Beatty, of Toronto, merchant; James Good, of 20 Toronto, ironfounder; James Hodgson, of Toronto, schoolmaster; Joshua Crawford, of Toronto, baker; Robert James, of Toronto, carpenter; George Walker, of Toronto, tailor; and bearing date the ninth day of July, in the year of our Lord one thousand eight hundred and forty, and which was registered in 25 the Registry Office for the County of York, the twenty-first day of July, in the year of our Lord one thousand eight hundred and forty, as Trustees for the Wesleyan Methodist Church in Canada, and whereas there have been irregularities in the mode of ap- pointment of some of said petitioners, who are the successors of 30 said grantees in said conveyance mentioned; and the said peti- tioners being desirous of selling said Church property, it having become too small and inconveniently situated for the accommo- dation of the congregation, and to apply the proceeds arising from such sale towards the erection of a new Church.

35 And whereas it is expedient to remedy any irregularities that may have existed, or which may exist in the appointment of said Trustees, or any of them, and to vest the said Real Estate in said Trustees in fee simple.

And whereas said Trustees have petitioned praying for an 40 Act so vesting said property in them, with power to said peti- tioners or a majority of them, to sell and convey said Real Estate as aforesaid.

And whereas it is expedient to grant the prayer of said petitioners; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Certain lands to be vested in James Rogers Armstrong and others.

1. All that certain parcel of land and premises situate on the 5 south-east corner of Adelaide and Toronto Streets, and mentioned and described in the said deed of conveyance above referred to, and being composed of part of the north-west part of the square or block of land containing by admeasurement seven thousand five hundred and sixty-six square feet (the 10 whole of said block being denominated by the letter B, north side of King Street, on the plan of the said city, lying between Newgate, now Adelaide Street and King Street, and butted and bounded as follows, that is to say: Commencing at the north-west angle of the said block or square, and on the eastern limit 15 of Toronto Street, then north seventy-four degrees west, seventy-eight feet to the eastern limit of Toronto Street; then north sixteen degrees west, ninety-seven feet to the place of beginning, with all the rights and appurtenances are hereby vested in the said James Rogers Armstrong, the Reverend John Ryerson, 20 Robert Petch, the Reverend Egerton Ryerson, D. D., the Reverend Anson Green, D. D., Samuel Rogers, Gilbert Percy, Robert James, and James Hodgson under the name of the Trustees of the Adelaide Street Wesleyan Methodist Church, Toronto, and their successors to be chosen and appointed in pursuance and 25 according to the terms and directions of a certain indenture bearing date the twenty-fourth day of May, in the year of our Lord one thousand eight hundred and fifty, and made between Joseph Bloor, of the village of Yorkville, in the County of York, and his wife, and the Trustees of the Wesleyan Methodist Church, 30 of Yorkville, and registered in the Registry Office for the County of York, and which deed is known as the model deed of the Wesleyan Methodist Church in Canada, in fee simple, forever, to hold upon similar trusts and for similar uses and purposes as those set forth in said model deed, subject, however, to 35 the conditions and provisoes contained in the original grant thereof from the Crown.

Who are authorised to sell.

2. The said Trustees and their successors, or a majority of them, are hereby authorized and empowered to sell anything contained in said model deed, to the contrary notwithstanding, 40 and to convey said property whenever it is deemed by said Trustees or a majority of them advisable to do so, and to apply the proceeds in the erection of a new church, and the purchaser or purchasers of said property from the said Trustees or their successors, or a majority of them, shall not be in any way bound 45 to see to the application or answerable for the non-application or misapplication of the purchase money or any part thereof, but the receipt of the said Trustees or their successors, or such of them as join in said conveyance shall be a sufficient discharge 50 for the same.

BILL.

An Act to vest certain Real Estate in the Trustees of the Adelaide Street Wesleyan Methodist Church, Toronto, and to enable them to sell the same.

First reading, Dec. 1, 1868.

Mr. LAUDER.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1- Reading / December 1868
Discharged 12

No. 86.]

BILL.

[1868.

An Act to amend Sec. 2 of Cap. 121 of the Consolidated Statutes of Upper Canada (now Ontario.)

WHEREAS it is desirable to amend Section 2 of Cap. 121 of Amendment
the Consolidated Statutes of Upper Canada (now Ontario), of Cap. 121,
entitled "An Act respecting the Expenditure of County Funds Sec. 2, Con.
for certain purposes in Upper Canada;" Therefore, Her Majesty, Stat. U. C.
5 by and with the advice and consent of the Legislative Assembly
of Ontario, enacts as follows :

1. That from and after the passing of this Act, section 2 of Sec. 2 re-
Cap. 121 of the Con. Stat. of Upper Canada, entitled An Act repealed.
respecting the Expenditure of certain County Funds be and the
10 same is hereby repealed, and the following substituted in place
thereof:—

No accounts shall be passed or audited at any court of Judge and
Quarter Sessions in any county in Ontario, except by the Judge four Magis-
of the County Court, and four magistrates, who shall be ap- trates to audit
15 pointed annually for that purpose by the County Council of accounts.
such county or union of counties at their first meeting in each
year, not more than two of such magistrates being members for
the time being, of such county council, and it may be lawful for
any county council to pay such magistrates any sum not ex-
20 ceeding two dollars each for their attendance at each audit.

No. 86.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend Sec. 2 Cap. 121, of the
Con. Stat. of Upper Canada (now On-
tario) respecting the auditing of accounts
at the Quarter Sessions.

First reading: Dec. 1st, 1868.

Mr. CARNEGIE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1 Reading 1 - December 1868
2
3
14 January 1869

No. 87.]

BILL.

[1868.

An Act to amend the Acts respecting Division Courts.

WHEREAS it is necessary and expedient to amend the Acts Preamble.
respecting Division Courts; Therefore, Her Majesty, by and
with the advice and consent of the Legislative Assembly of
the Province of Ontario, enacts as follows:

- 5 1. All judgments in the Division Courts in this Province shall have, and continue to have, the same force and effect as judgments of Courts of Record. Div. Court judgments to have the same force as of Courts of Record.
- 10 2. In actions brought in any Division Court for the recovery of any debt or money demand, where the particulars of the plaintiff's claim, with reasonable certainty and detail is indorsed on, or attached to the summons, and a copy of such summons and particulars, with a notice in the form A in the schedule to this Act, annexed to or indorsed on such copy, be duly served, according
15 to the practice of such Courts, then, unless the defendant shall have left with the clerk, within eight days after the day of such service, when the service is required to be ten days before the return, and within twelve days after the day of such service when the service is required to be fifteen days before the
20 return, a notice to the effect that he disputes the claim, or some part, and how much thereof, final judgment may be entered by the clerk on or at any time within one month after the return of such summons, for the amount claimed in such particulars, or so much thereof as has not been disputed, if the plaintiff is
25 content with judgment for such part, and execution may afterwards issue thereon at the instance of the plaintiff, provided that the Judge may set aside such judgment, and permit the case to be tried, on sufficient grounds shown, on such terms as to costs and otherwise as he shall think just.
- 30 3. The final judgment so entered may be in the form B in said schedule, but no such judgment shall be so entered until the summons and particulars, with an affidavit of the due service of both, have been filed. Summons and particulars and affidavit to be filed.
- 35 4. The Judge at any time before judgment actually entered, although the time for giving such notice disputing the plaintiff's claim has expired, may, on sufficient grounds shown, and on such terms as he shall think just, grant leave to the defendant to dispute the plaintiff's claim, in which case the requisite notice disputing such claim shall immediately be left with the
40 clerk, and also sent to the plaintiff, by prepaid letter through the post or otherwise. Leave to dispute at any time before judgment.

TO GARNISHEE DEBTS.

To Garnishee
debts.

5. When any debt or money demand of the proper competence of the Division Court, and not being a claim strictly for damages; is due and owing to any party from any other party, either on a judgment of any Division Court or otherwise, and any debt is due or owing to the debtor from any other party, it shall be lawful for the party to whom such first-mentioned debt or money demand is so due and owing, (hereinafter designated the Primary Creditor), to attach and recover, in the manner herein provided, any debt due or owing to his debtor (hereinafter designated the Primary Debtor), from any other party (hereinafter designated the Garnishee), or sufficient thereof to satisfy the claim of the Primary Creditor, subject always to the rights of other parties to the debts owing from such Garnishee.

15

WHERE THE PRIMARY CREDITOR'S CLAIM BE A JUDGMENT.

Attaching order to be granted on judgment.

6. After a judgment has been recovered in a Division Court, application may be made to a Judge of such Court, by or on behalf of the Primary Creditor, on affidavit that such judgment was recovered, and when, and that the whole, or some part, and how much thereof, remains unsatisfied, and that the deponent has reason to believe, and does believe, that some one or more parties (naming them, or stating that he is unable to name them), is or are within this Province, and is or are indebted to the Primary Debtor, for an attaching order, (which such Judge is hereby authorized to make,) to the effect that all debts owing the Primary Debtor, whether due or not due, be attached to satisfy such judgment, which order may be in the form C in said schedule.

Service thereof binds all debts, &c., which debts Garnishee may pay in his own discharge, &c.

(2). The service of such order on any Garnishee shall have the effect (subject to the rights of other parties) of attaching and binding in his hands all debts then owing from him to the Primary Debtor, or sufficient thereof to satisfy such judgment, and a payment by the Garnishee into the Court, or to the Primary Creditor, of the debt so attached to the extent unsatisfied on such judgment, shall be a discharge to that extent of the debt owing from the Garnishee to the Primary Debtor.

Payment to any but Primary Creditor void.

(3). Any payment by the Garnishee after service on him of such order, to any one other than the Primary Creditor, or into Court, to satisfy the said judgment, shall, to the extent of the Primary Creditor's claim, be void; and the Garnishee shall be liable to pay the same again, to the extent of the Primary Creditor's claim, to satisfy his said judgment.

Primary Creditor may summon Garnishee, &c.

(4). Whether any such attaching order shall or shall not have been made, the Primary Creditor may cause to be sued out of the Division Court for the division in which the Garnishee, or one or more of them, if there be joint Garnishees, reside or carry on business, a summons in the form D in said schedule, upon or annexed to which shall be a memorandum showing the names of the parties as designated in the judgment, the date when, and the Court in which it was recovered, and the amount unsatisfied, which summons shall be returnable either at any ordinary sittings of such Court, or at such other

time and place (to be named therein), as the Judge shall permit or appoint, either by a general order for the disposal of such matters or otherwise.

(5). A copy of such summons and memorandum shall be duly served on the Garnishee, or, if there be joint Garnishees, then on such of them as may be in reach of the process, at the time and in manner required for the service of summonses in ordinary suits for corresponding amounts, and also on the Primary Debtor, if thought advisable, or if required by the Judge.

6. At the hearing of the summons, or at any adjourned hearing, on sufficient proof of the amount owing by the Garnishee to the Primary Debtor, and no sufficient cause appearing why it should not be paid and applied in satisfaction of the judgment, the Judge may give judgment against the Garnishee (which may be in the form E in said schedule,) for the amount so owing from him, or sufficient thereof to satisfy the judgment; and execution against the Garnishee to levy the same, may issue thereon as of course if due, or when and as it becomes due, or at such later period as the Judge shall order, which execution may be according to form F in said schedule, when the Primary Creditors claim not a judgment.

7. When judgment has not been recovered for the claim of the Primary Creditor, he may cause a summons to be issued out of the Division Court of the Division in which the Garnishee, or one or more of them, if there be joint Garnishees, live or carry on business in the form G in said schedule, upon or annexed to which shall be a memorandum, showing the names of the Primary Creditor, the Primary Debtor, and of the Garnishee, and the particulars of the claim of the Primary Creditor, with reasonable certainty and detail; which summons shall be returnable as required by the fourth sub-section of section six of this Act, in respect to summonses therein mentioned.

2. A copy of such summons and memorandum shall be duly served on the Garnishee, or if there be joint Garnishees, then on such of them as are within reach of the process, at the time and in the manner required for service in ordinary cases; and also if practicable, on the Primary Debtor, unless the Judge shall, for sufficient reason, dispense therewith.

3. If in such case the Primary Debtor has been duly served with a copy of such summons and memorandum, judgment (in the usual form in other cases) may be given against him at the hearing for the Primary Creditor, for the whole, or such part of the claim as shall be sufficiently proved, and execution may afterwards issue thereon as in other cases; and whether such judgment be or be not given, the Judge, on sufficient proof of the debt due and owing from the Primary Debtor, and also of the amount owing to him from the Garnishee, may then, or at any adjourned hearing, give judgment against the Garnishee, (which may be according to form H in said schedule), for the amount so found due from the Garnishee, to the extent of the amount so found due from the Primary Debtor, which sum the Garnishee shall pay into court, or to the Primary Creditor, towards satisfaction of such claim, or in default thereof, execution may issue to levy the same forthwith, or at such later period as the

Judges shall direct, which execution may be according to form I in said schedule.

GENERAL PROVISIONS.

All parties
interested may
show cause,
&c.

8. In all cases under this Act, and whether the claim of the Primary Creditor be or be not a judgment, the Primary Debtor, the Garnishee, and all other parties in any way interested in, or to be affected by, the proceeding, shall be entitled to set up any defence, as between the Primary Creditor and the Primary Debtor, which the latter would be entitled to set up in an ordinary suit; and also any such defence as between the Garnishee and the Primary Debtor, and may also show any other just cause why the debt sought to be garnished should not be paid over, or applied in or towards satisfaction of the claim of the Primary Creditor; provided that as to any statutory defence, notice thereof shall have been given to the Primary Creditor at the time and in the manner required in respect to such notice in ordinary cases. 5 10 15

Service of
summons on
Garnishee
binds debt un-
til hearing.

9. In all cases under this Act, (except when an attaching order has been served, already provided for,) service of the summons on the Garnishee shall have the effect of attaching and binding in his hands (subject to the rights of other parties) the debt sought to be garnished, from the time of such service until a final decision made on the hearing of such summons; and any payment of such debt by the Garnishee during such period, to any one other than the Primary Creditor, or into Court for satisfying his claim, shall to the extent of such claim, be void, and the Garnishee shall be liable to pay the same again to the extent of such claim, to satisfy the same, unless the Judge shall otherwise order. 20 25

And after
judgment.

10. If judgment be given for the Primary Creditor against the Garnishee, the debt garnished shall, unless the Judge shall otherwise order, continue bound in the hands of the Garnishee to satisfy the claim of the Primary Creditor; and payment in such case by the Garnishee of such debt to the extent of such claim, either into Court or to the Primary Creditor, shall, to that extent, be a discharge to the Garnishee, as between him and the Primary Debtor; and any payment thereof, otherwise than last aforesaid, except by leave of the Judge, shall be void, and the Garnishee in such case shall be liable to pay the same again, to satisfy the claim of the Primary Creditor. 30 35 40

Costs.

11. The Garnishee shall not be liable for the costs of the proceeding, unless, and in so far only as, occasioned by setting up a defence, which he knew, or ought to have known, was untenable; and subject to this provision, the costs of all parties shall be in the discretion of the Judge. 45

Summons.

12. Judgment shall not be given either against the Primary Debtor or the Garnishee until the said summons and memorandum, with an affidavit of the due service of both on the proper parties be filed, unless the Judge for special reasons, shall order otherwise. 50

No execution
till Garnish-
er's debt due.

13. No execution shall in any case issue to levy the money owing from any Garnishee until, and so far only as, such money shall have become fully due.

14. Any party entitled to or interested in any money or debt attached or bound in the hands of the Garnishee by a proceeding under this Act, may at any time, before actual payment thereof by the Garnishee, apply to the Judge for an order (which the Judge is hereby authorized to make) to the effect that such money or debt be discharged from the claim of the Primary Creditor, and thenceforth such money or debt shall cease to be attached or bound for such claim; and such an application and such an order may also be made if the Judge shall think fit, after such money or debt has been paid over by the Garnishee, in which case, all parties shall be remitted to their original rights in respect thereto, except as against the Garnishee having already paid such debt or money, whose payment shall not be affected thereby, but shall be and remain an effectual discharge to him.

Application
to discharge
debt from at-
tachment.

15. If the Judge, on the hearing of any summons under this Act, or on special application for the purpose, shall think proper, he may, before giving judgment against the Garnishee, or at any time before actual payment by the Garnishee, order such security to be given as shall be approved by himself or the Clerk, by or on behalf of the Primary Creditor, for the repayment into Court to abide the Judge's order, in case Judge's order shall be made for such repayment, which bond shall be to the Clerk by his name of office, and shall enure, for the benefit of all parties interested in or entitled to the money, and may, by order of the Judge, and on such terms as to indemnity against costs and otherwise as he shall impose be said in the name of the Clerk of the Court for the time being, for the benefit of the party entitled.

Security from
primary cre-
ditor.

16. In case any one other than the Primary Creditor or Primary Debtor shall claim to be entitled to the debt owing from the Garnishee, by assignment thereof or otherwise, it shall be lawful for the Judge, when adjudicating in any of the cases aforesaid, or by calling the proper parties before him by summons for the purpose, to enquire into and decide upon such claim, and to allow or give effect to it, or to hold it void as against the Primary Creditor for being a fraud upon creditors, or otherwise, as the justice of the case shall require; and for such purpose he may require the attendance of such parties and such witnesses (their conduct money being first paid) as he shall think necessary.

17. It shall be lawful for the Judge to postpone or adjourn from time to time the hearing and other proceedings in all Garnishee cases, to allow time for giving omitted notices of defence, or to produce further evidence, or for any other purpose; and to require service on, and notice to, other or additional parties, and to prescribe and devise forms for any proceeding, and to amend all summonses, memoranda, claims, accounts, notices and other papers and proceedings, and copies thereof, as justice shall require.

Judge may
postpone or
adjourn pro-
ceedings.

18. Section ninety-three of Chapter nineteen of the Consolidated Statutes of Upper Canada, entitled, "An Act respecting the Division Courts," is hereby repealed, and in lieu thereof it is hereby enacted, that when the set-off proved to the satisfaction of the Judge exceeds the amount shewn to be due to the

Sec. 93 Con-
Stat. U. C.
repealed.

plaintiff, the plaintiff shall be non-suited; or in his election, judgment may be given for the defendant, in which latter case such set-off shall be thereby satisfied only to the amount found due the plaintiff, and no further.

How process,
&c., may be
executed at a
distance.

18. Notwithstanding any of the provisions of the said Act, 5 it is hereby enacted, that when any summons, execution, subpoena, process or other document is required to be served or executed elsewhere than in the Division in which the action is brought, they may, in the election of the party, be served and executed by the Bailiff of the Division in or near to which they 10 are required to be executed, or by such other Bailiff or person as the Judge shall order, and may, for that purpose, be transmitted by post or otherwise, direct to such Bailiff or person, without being sent to or through the Clerk.

Duties of
Bailiff and li-
ability of sure-
ties.

19. In cases mentioned in the last preceding section, it shall 15 be the duty of such Bailiff to serve and execute all such summons, executions, subpoenas, process and other documents, and make return thereof with reasonable diligence; and to pay over, on demand, all moneys by him levied or received thereon, and for neglect or default therein, in addition to any other remedy 20 against such Bailiff, he and his sureties shall be liable, on their covenant to the parties grieved, as if such summonses, executions, subpoenas, process and documents had issued from, or related to some suit in, the court of which he is bailiff.

20. The Clerks of the several Division Courts shall keep in 25 their respective offices a Debt Attachment Book, according to Form J in said Schedule, in which shall be correctly entered the names of parties, the dates, statements, amounts and other proceedings under this Act, as indicated by said Form, and copies, of any entries made therein may be taken by any one 30 on application free of charge.

21. All Acts and parts of Acts, so far as they are inconsis- tent with this Act, are hereby repealed, but any Act previously repealed shall not be thereby revived.

SCHEDULE.

FORM A.

And also take notice that if the Defendant disputes the Plaintiff's claim, or any part of it, he must leave with the Clerk within (eight days when ten days' service is required, or twelve days when fifteen days' service is required), after the day of the service hereof, a notice to the effect that he disputes the claim, or how much he disputes, if not the whole, in default whereof, final judgment may be signed for the whole claim or such part as is not disputed at any time within three months afterwards.

FORM B.

In the Division Court of the County of
 Between A B Plaintiff,
 and
 C D Defendant, } The Defendant
 appearing by affidavit filed to have been duly served with a
 copy of the summons and particulars of the Plaintiff's claim, (and
 not disputing the same or not disputing \$ parcel thereof)
 it is adjudged that the Plaintiff do recover against the Defen-
 dant the said \$ with his cost of suit to \$ to be
 levied, &c.

Entered the day of , A. D.

FORM C.

In the Division Court of the County of
 Between A B Plaintiff, } Judgment entered
 and } in the Division
 C D Defendant, } Court of the County of
 on the day of , A. D.
 Amount unsatisfied \$

On application of the Plaintiff it is ordered that all debts
 now owing to the Defendant from any party in this Province,
 whether due or accruing due, be and the same are hereby
 attached to satisfy the judgment in this case.

Dated the day of , A. D. Judge

FORM D.

In the Division Court of the County of
 Between A B Plaintiff, } Judgment recovered on
 and } the day of , A.D.
 C D Defendant, } in the Division
 and } Court of the County of
 E F Garnishee. }
 Amount unsatisfied, \$

(L.S.) You, the above named Garnishee and the Defendant are
 hereby summoned to appear at the sittings of this Court, to be
 held at on the day of A.D., (or before
 the Judge presiding at on the day of
 A.D.,) at of the clock in the noon, to state and show
 whether or not you the said Garnishee owe any, and what debt
 to the above-named Defendant, and why you should not pay
 the same into Court, or to the said plaintiff, to the extent due
 on the above-mentioned judgment, to satisfy the same; and
 take notice that if you have any set-off or other statutable de-
 fence, as between you and the said defendant, you must give
 notice thereof six days before you are so required to appear.
 You or any one interested, may also show any other cause why
 the said debt should not go to satisfy the said judgment.

Dated the day of , A.D.

Clerk.

FORM E.

In the Division Court of the County of
Between A B Plaintiff } Judgment entered on the
and day of in the
C D Defendant, } Division Court
E F Garnishee. } of the County of
Amount unsatisfied, \$
On hearing ("all parties," or "on hearing the above named"
the parties appearing) the above named having made
default, although duly summoned, it is adjudged that said Gar-
nisee is indebted to the said Defendant in \$ now due (or
coming due as follows) which or \$ of which) ought
to be paid and applied in satisfaction of the said judgment, and
which it is adjudged that the said plaintiff so recover against
said Garnishee:—for levying whereof said execution may issue
at any time, (or if the debt be not due, or time for payment be
given, add) after from this date, unless said Garnishee
shall sooner pay said money into Court, or to the plaintiff to
satisfy said judgment.
Entered the day of A.D.

FORM F.

In the Division Court of the County of
Between A B Plaintiff } Judgment recovered on
and the day of A.D.
C D Defendant, } in the Division
Court of the County of
and E F Garnishee. } Amount unsatisfied, \$
(LS.) Adjudged against the Garnishee on the day of
A.D. \$
To any Bailiff of the Division Court of the County
of (or to G H specially authorized to execute this
writ,) you are hereby required to levy of the goods and chattels
of the above named Garnishee (not exempt from execution)
\$ money owing from him to the above named defendant,
and which has been attached to satisfy the judgment in this
case; and what you shall have done herein return with this
writ immediately on the execution hereof.
Dated the day of A.D. Clerk.

FORM G.

In the Division Court of the County of
Between A B Primary Creditor, } The said (the Pri-
and mary Creditor) claims
C D Primary Debtor. } from the said
and (Primary Debtor) the
E F Garnishee. } following or annexed
account.
(Giving the account or claim in detail.)

Dated the day of A. D. Clerk

In the Division Court of the County of
 Between A B Primary Creditor,
 C D and
 E F Primary Debtor,
 and
 Garnishee.

On hearing (All parties or on hearing the above named Primary Creditor or as the case is, the above named Primary Debtor, or as the case is, having made default, although duly summoned) it is adjudged that the above named Primary Debtor is indebted to the above named Primary Creditor in \$ besides the costs hereof allowed at \$ and it is further adjudged that said Garnishee is indebted to said Primary Debtor in \$ now due (or coming due as follows,) which to the extent of the said first mentioned sum ought to be applied in satisfaction thereof, and which it is adjudged that the said Primary Creditor do recover for that purpose against said Garnishee, for levying whereof execution may issue at any time (or if the debt be not due, or time for payment be given, add) after from this date, unless said Garnishee shall sooner pay the same into court, or to said Primary Creditor in satisfaction as aforesaid.

Entered the day of A. D.,

FORM I.

In the Division Court of the County of
Between A B Primary Creditor
and
C D Primary Debtor,
and
E F Garnishee.

Amount adjudged due from Primary Debtor to Primary
Creditor the day of A.D. for debt, \$
for costs, \$

Amount adjudged to the Primary Creditor for money owing
from the Garnishee the day of
[Ls.] A.D. \$

To any Bailiff of the Division Court of the County of
(or to G. H., specially authorized to execute this Writ.)

You are hereby required to levy of the goods and chattels of
the above named Garnishee, (not exempt from execution,) \$
money owing from him to the above named Primary Debtor, and
which has been adjudged to the above named Primary Creditor
to satisfy his said claim against the Primary Debtor, and what
you shall have done herein return with this writ immediately
on the execution hereof.

FORM J.

FORM OF DEBT ATTACHMENT BOOK.

Name of Primary Creditor.	Name of Primary Debtor.	Date of Judgment if Claim a Judgment.	Amount Unsatisfied if Claim a Judgment.	Amount found due from Primary Debtor to Primary Creditor when Claim not a Judgment.	Name of Garnishee.	Amount adjudged against Garnishee.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend the Acts respecting Division Courts.

First reading, Dec. 1, 1868.

Attorney-General MACDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

1 - Reading 1 - December 1868
2 " 4 " "
Dropped 23 January 1869

No. 88.]

BILL.

[1868.

An Act to provide for the Establishment and Government of Central District Prisons within and for the Province of Ontario.

WHEREAS from defective construction, insufficient accommodation, both as regards internal arrangements, and exterior surroundings; the entire absence of the means of enforcing hard labor; the want of an adequate staff of officers, and other causes, it is found that the common gaols of this Province, and the present system of prison administration has little, if any, deterrent or reformatory influence on criminals, and whereas it is expedient to remedy these and other defects, and at the same time make provision for more effective discipline, a better classification of prisoners, as well as for their religious and secular instruction, by the establishment of a new class of prisons, of a character intermediate between the Common Gaols and the Dominion Penitentiary; therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. The Lieutenant-Governor may purchase and acquire for the public use of the Province, in two or more suitable places within the Province, all such lands and real estate as may be necessary for the purposes of this Act; and may cause to be erected thereon, at each of the said places, proper and suitable buildings, to be known as Central Prisons, to be used for the reception, confinement, employment and reformation of such criminals or offenders as are hereinafter mentioned.
Lieut.-Governor may acquire sites for Central Prisons.
2. For the purposes of this Act the various Counties of this Province shall be formed or divided into groups of Counties, to be called Districts, one of which Districts shall be attached to or connected with each of the said Central Prisons.
Counties to be arranged in groups called Districts.
3. The group of Counties to form every such District shall be arranged and settled by the Lieutenant-Governor in Council, and the said several Districts shall contain as nearly as practicable an equal population, according to the last decennial census; and the said Prison shall be called "The Central Prison of the District," as the case may be.
Groups to contain equal population.
Name of Prisons.
4. Each of the aforesaid Central Prisons shall be held to be the prison of each and every County in the District attached as aforesaid to such Prison, for the purposes of this Act.
One Prison for each District.
5. As soon as each or any one of the said Central Prisons shall be constructed and completed, in accordance with the plans approved of by the Inspector, and sanctioned by the Lieutenant-Governor in Council, the said Inspector shall report the same to the Lieutenant-Governor, whereupon the Lieute-
On completion of Prison Proclamation to issue.

nant-Governor may, by proclamation, declare the same to be the Central Prison for the District, attached to, or connected therewith, as hereinbefore provided.

Hard labour
and solitary
confinement.

6. The said Central Prisons shall be furnished, with all requisite means for enforcing the performance of hard labor by the inmates thereof, and solitary confinement shall form part of the discipline thereof.

Convicted
persons to be
sentenced to
Central Pri-
sons instead
of Common
Gaol.

7. Every Court of criminal jurisdiction in this Province, before whom any person shall be convicted of an offence punishable by imprisonment in the common gaol, for any period less than two years, may, after this Act takes effect, sentence such offenders to imprisonment in the Central Prison for the District in which such conviction took place, instead of the common gaol of the County where the offence was committed.

Conviction by
Justices.

8. Every person convicted before one or more Justice or Justices of the Peace, or by a Police Magistrate, of any offence cognizable by such Justice or Justices, or Police Magistrate, and for which punishment by imprisonment in the common gaol may be awarded, for any period not less than fourteen days, and committed to a Common Gaol under such conviction, may be removed and transferred by order of the Provincial Secretary from such Common Gaol to the Central Prison of the district, and there imprisoned for the unexpired portion of his sentence in the Central Prison of the District instead of the Common Gaol of the County.

Lieut.-Governor may ap-
point certain
officers.

9. The Lieutenant-Governor may appoint for each of the said Central Prisons, a Warden, a Surgeon, a School Master, an Accountant, a Matron, and such other officers and servants as may be necessary, to hold office respectively during pleasure; and may also fix and determine the salary of every such officer and servant.

Inspector of
Prisons to be
ex-officio In-
spector of
Central Pri-
sons.

10. The Inspector appointed, or be appointed, under the first clause of "The Prison and Asylum Inspection Act, 1868," shall, by virtue of his office, be the Inspector of all the Prisons to be erected under the authority of this Act, and shall have the same powers in respect of such last mentioned prisons as are conferred upon him in respect of the Provincial Reformatory, by the said "Prison and Asylum Inspection Act, 1868."

Powers and
duty of In-
spector.

11. The Inspector shall have power, and it shall be his duty, to make rules and regulations for the management, discipline, and police of the said Central Prisons, and for fixing and prescribing the duties and conduct of the Wardens, and every other officer or servant employed therein, and for the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment, and reward of persons confined therein, and to annul, alter and amend the same from time to time. Provided always, that no such rule or regulation shall have any effect until and unless it be first approved of by the Lieutenant-Governor in Council.

Same.

2. The Inspector shall have power summarily to suspend any of the officers or servants of any of the said Central Prisons for misconduct, until the circumstances of the case (of which the Lieutenant-Governor shall be at once notified) have been

decided upon by the Lieutenant-Governor, and the Inspector may, until such decision shall have been intimated to him, cause any officers or persons so suspended, to be removed beyond the precincts of the prison; and it shall be the duty of the said Inspector to recommend the removal of any of the above named officers or servants whom he finds incapable, inefficient or negligent in the execution of his duty, or whose presence in such Central Prison he may deem injurious to the interests thereof; and the pay of every officer or servant so suspended shall cease during the period of such suspension.

3. The Inspector may impose a fine, payable in money, upon any officer or servant of such Central Prisons for any act of negligence, carelessness, or insubordination by him committed, of reasonable amount, not exceeding one month's pay of such officer or servant, as the Inspector may think fit.

12. The Inspector shall have power at all times to enter into every such Central Prison, and have access to every part thereof, and to examine all papers, documents, vouchers, records, books and other things belonging thereto.

2. To investigate the conduct of any officer or servant employed in or about every such Central Prison, or of any person found within the precincts thereof, and may summon any person before him by *subpoena* under his hand, and examine such person under oath, touching any matter relating to any breach of the rules of such Central Prison, or any matter affecting the interests of the institution; and to compel the production of books, papers and writings before him; and any person who shall neglect or refuse to appear at the time and place specified in such *subpoena*, having been duly served with a copy thereof, or shall refuse to give evidence, or to produce the books, papers or writings demanded of him, may be taken into custody by virtue of a warrant under the hand of the Inspector in that behalf, and imprisoned in the Common Gaol of the locality, as for contempt of Court, for a period not exceeding fourteen days.

13. It shall also be the duty of the Inspector; to audit the accounts of the Warden of every such Central Prison; to enquire into all money transactions when requisite; to demand and obtain a statement of all cash transactions of such Prison every month, and to administer to the Warden and Accountants an oath or affirmation to the effect following, viz:—

I, _____ Warden, and I, _____ Accountant, of _____ the Central Prison of the _____ District, make oath or affirm and say, that the foregoing statement of Revenue and Expenditure of the said Central Prison of the _____ District, for the month of _____ 18__ is true and correct.

14. The Lieutenant-Governor may cause to be procured and provided, adjacent to or surrounding any such Central Prison, a tract of land fit for agricultural or mechanical purposes, not exceeding Two Hundred Acres for each Prison, and may cause the same to be securely enclosed.

15. The Lieutenant-Governor, upon the report of the Inspector may, as soon as this Act takes effect, and from time to time, cause to be procured and provided, adjacent to or surrounding any such Central Prison, a tract of land fit for agricultural or mechanical purposes, not exceeding Two Hundred Acres for each Prison, and may cause the same to be securely enclosed.

Oath to be taken by certain officers.

Lieut.-Governor may acquire additional lands.

Persons undergoing sentences may be

employed in
building Cen-
tral Prisons.

time thereafter, order and direct that all or any of the persons undergoing sentence of imprisonment in the Common Gaols of this Province, may be employed, under such regulations as may be provided in that behalf, upon, in and about the building and erection of the said Central Prisons, or in an about such other remunerative labour or employment, within the District, as may be deemed expedient.

When Procla-
mation issued
prisoners to
be transferred
from Com-
mon Gaol to
Central Pri-
son.

16. So soon as any Proclamation shall have been issued, declaring any such Central Prison to be the Central Prison of the District attached to or connected therewith, all persons then or thereafter confined in any of the Common Gaols of any County within such District, under sentence of imprisonment for any offence, may by direction of the Provincial Secretary, be transferred from such Common Gaols respectively to such Central Prison, there to be imprisoned for the unexpired portion of the term of imprisonment to which any such person was originally sentenced or committed to such Common Gaols respectively; and such persons shall thereupon be imprisoned in such Central Prison for the residue of the said respective terms, and shall be subject to all the Rules and Regulations of such Central Prison.

Lieut.-Gov-
ernment may
sanction em-
ployment of
prisoners
without the
precincts of
the Prison,
under certain
regulations.

17. The Lieutenant-Governor, by Order in Council, may from time to time, authorize, direct or sanction the employment upon any specific work or duty, without or beyond the walls or limits of any such Central Prisons, of any of the prisoners confined or sentenced to be imprisoned therein; and all such prisoners shall, during such last mentioned employment, be subject to all the provisions of this Act, and to all the Rules, Regulations and discipline of the said Central Prison, so far as the same may be applicable, and to such other regulations as may be approved by the Lieutenant-Governor in that behalf: Provided, that when any such prisoner or prisoners shall be so employed without the walls or limits of such Central Prison, it shall only be done under the strictest care and supervision of officers appointed to that duty.

Lieut.-Gov-
ernment may
send prison-
ers to be
transferred
from one pri-
son to another,
and to or
from the Pro-
vincial Refor-
matory.

18. The Lieutenant-Governor may, from time to time, by Warrant, signed by the Provincial Secretary, or by such other officer as may be authorized by the Lieutenant-Governor in Council in that behalf, direct the removal of any offender from one Central Prison to another, or from any Central Prison to the Provincial Reformatory, or from the said Reformatory to any Central Prison; and the Warden of the Central Prison or Reformatory, having the custody of any convict or offender so ordered to be removed, shall, when required so to do, deliver up the said convict or offender to the Constable, or other officer or person, who shall produce the said Warrant, together with a copy, attested by the said Warden, of the sentence and date of conviction of such convict or offender, as given him, on the reception of the party into his custody.

Record to be
kept with
view to miti-
gation of sen-
tence.

19. In order to encourage good behaviour and industry, it shall be lawful for the Inspector to make rules so that a correct record of the conduct of every inmate of such Prison may be made with a view to permit such criminal to earn a remission of a portion of the term for which he is sentenced to be confined.

20. The Sheriff or Deputy Sheriff of any County, or any Sheriff, etc., Bailiff, Constable, or other officer or person, by his direction, or to control Prisoner, pursuant to sentence without warrant by direction of the Court, or other lawful authority may convey to the Central Prison, any convict sentenced or liable to be imprisoned therein, and deliver him to the Warden or keeper thereof, without any further warrant than a copy of the sentence, taken from the minutes of the Court before which the offender was tried, and certified by a Judge, or the Clerk, or Acting Clerk of such Court.
- 10 21. The Sheriff, or other officer or person employed by competent authority, to convey any such offender to the Central Prison, or from one Central Prison to another, or to or from the Provincial Reformatory, as hereinbefore provided, may secure and convey him through any County or District through which he may have to pass; and until such offender shall have been delivered to the Warden of such Central Prison or Reformatory, the said Sheriff, or other officer or person, shall have in every part of this Province, through which it may be necessary to convey of such offender, the same power and authority over and with regard to such offender, and to command the assistance of any person to prevent his escape, and in recapturing him in case of an escape, as the Sheriff of the County in which he was convicted would himself have in conveying him from one part to another of that County.
- 25 2. The said Sheriff or other officer or person, shall give a receipt Sheriff, etc., to give and take receipt for prisoners, to the said Warden or Gaoler for the said convict or offender, and shall thereupon, with all convenient speed, convey and deliver up such convict or offender, with the said attested copy, into the custody of the Warden of the Central Prison or Reformatory mentioned in the said Warrant, who shall give a receipt in writing for every convict or offender so received into his custody, to such Sheriff or other officer or person, as his discharge; and the convict or offender shall be kept in custody in the Central Prison or Reformatory, to which he has been so removed, until his removal to another Central Prison or to the said Reformatory, or until the termination of his sentence, or until his pardon, or release, or discharge by law.
- 40 22. The Warden shall receive into the Central Prison every offender legally certified to him as sentenced to imprisonment therein, and shall there detain him, subject to all the rules, regulations and discipline thereof, until the time to which he has been sentenced shall be completed, or until he shall be otherwise discharged in due course of law. Warden to receive prisoner and deliver him.
- 45 23. The Warden of every Central Prison shall reside within such prison, and shall be the chief executive officer of the same, under the direction of the Inspector, and as such, shall have the entire execution, control and management of all its affairs, subject to the rules, regulations and written instructions, from time to time duly made by the Inspector, and approved by the Lieutenant-Governor in Council, and he shall be held responsible for the faithful and efficient administration of the offices of every department of the Institution. Powers and duty of Warden.

To give security. **24.** Every Warden, Accountant, Storekeeper and Steward, of every Central Prison, respectively, shall severally execute to Her Majesty a bond, with sufficient sureties, conditioned for the faithful performance of the duties of their respective offices, according to law, in the respective sums following, that is to say:— 5

Amount.	1. The Warden in.....	\$8,000	10
	With two sureties in (each).....	4,000	
	2. The Accountant, Storekeeper and Steward, each.....	4,000	
	With two sureties (each) in.....	2,000	

Bond to be filed. Which Bond shall be filed in the office of the Provincial Secretary and Registrar.

To take oath of allegiance and the following oath. (2.) Every Warden, officer or servant employed permanently in any Central Prison, shall severally take and subscribe, in a book to be kept for that purpose by the Accountant, at his office, the Oath of Allegiance to Her Majesty, and the following Oath of Office, viz:— 15

Form. "I (A.B.), do promise and swear, (or affirm) that I will faithfully diligently and justly serve and perform the office and duties of in the Central Prison of the District, to the best of my abilities, and that I will carefully observe, and carry out all the regulations of the said Prison, so help me God." 20

By whom administered. Which oath may be administered by the Inspector, or by the Warden in the case of any other of the said officers. 25

Warden, &c., not to be interested in any Prison contract. **25.** No Inspector, Warden, or other officer or servant employed in any Central Prison, shall either in his own name, or in the name of, or in connection with, any other person, provide, furnish or supply any materials, goods or provisions, for the use of any such Central Prison; nor shall be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting one Thousand Dollars, with full costs of suit, to any person who shall sue for the same, in any Court of competent jurisdiction in this Province. 30 35

Officers not to be engaged in any other business. **26.** No Warden, officer or servant, except the Surgeon, shall be allowed to carry on any trade or calling of profit or emolument, other than his office in such Central Prison; nor shall any such officer buy from, or sell to any convict in the said Prison, anything whatever; or take or receive to his own use, or for the use of any other person, any fee, gratuity or emolument from any prisoner or Visitor, or any other person; nor employ any convict in working for him. 40

No vessel to moor within 300 feet without permission, under penalty. **27.** No raft, boat, vessel, or craft of any kind, shall be moored or anchored within Three Hundred Feet of the shore or wharf bounding the lands of any such Central Prison, without the permission of the Warden thereof being first had and obtained. 45

tained; and any person violating the provisions of this section shall, upon conviction thereof before a Justice of the Peace, be subject to a penalty of Twenty Dollars, to be levied in the usual manner, upon such raft, boat, vessel or other craft, in whomsoever the property thereof may be, as well as on the proper goods and chattels of the offender; and in default of the payment of the same, with costs of suit, such offender shall be imprisoned at hard labour, for any period not exceeding Two Months.

- 10 **28.** No spirituous or fermented liquors shall, on any pre-
 tence whatever, be brought into any Central Prison, for the
 use of any officer or person in the Institution, except the War-
 den, or for the use of any convict confined therein, (except un-
 der the Rules of the Institution); and any person giving any
 15 spirituous or fermented liquors, or tobacco, or snuff, or cigars,
 to any convict, (except under the Rules of the Institution,) or
 conveying the same to any such convict, shall forfeit and pay
 the sum of Forty Dollars to the Warden, to be by him recover-
 ed for the use of the Prison, in any Court of competent juris-
 20 diction.

No Liquors,
Tobacco, etc.,
to be admit-
ted.

29. The female convicts or prisoners shall be kept distinct
 and secluded from the male convicts, and shall be under the
 charge of the Matron.

Females to be
kept separate
from males.

- 30.** Every such Central Prison shall contain not less than
 penal cells, for the separate and solitary confine-
 25 ment of such prisoners as may have been sentenced to solitary
 confinement, or for enforcing obedience to the rules and disci-
 pline of the said prisons.

Cells for soli-
tary confine-
ment.

- 31.** Every Central Prison to be established under the autho-
 rity of this Act, shall be held to include all the land and real
 30 estate procured or acquired under the 2nd and 14th sections of this
 Act, and all buildings and machinery erected or used thereon, and
 all carriages, wagons, sleighs or other vehicles, for land carriage;
 and all boats, scows and other vessels, for water carriage, being
 the property of such respective Central Prison, or employed in
 35 its service; and the real property of every such prison, and
 every other property or description of property belonging
 thereto, shall be and remain vested in Her Majesty, her Heirs
 and Successors, but the Warden for the time being shall have
 the custody and care thereof, under such regulations as may
 40 be provided in that behalf, and all such property, real and
 personal, shall be exempt from taxation for Municipal purposes.

Property be-
longing to
Central Pri-
son, and form-
ing part there-
of, vested in
Her Majesty,
exempt from
taxation.

- 32.** The Inspector of Prisons shall be a Corporation, sole,
 known by the name of "The Inspector of Prisons for Ontario,"
 and by that name, he and his successors shall have perpetual
 45 succession, and may sue and be sued, may plead and be im-
 pleaded in any of Her Majesty's Courts in this Province.

Inspector to be
a Corporation
sole.

- 33.** All dealings and transactions on account of any of the
 said Central Prisons, and all contracts for goods, wares or mer-
 chandizes, necessary for maintaining and carrying on the said
 50 institutions, or for the sale of goods prepared or manufactured
 in such Central Prisons, or for the hire, labour, or employment
 of any of the said Prisoners, either within or without the limits

To make all
contracts.

of any such Central Prison, shall be entered into, and carried out in the corporate name of the said Inspector for behalf of Her Majesty.

Books of
account, &c.,
to remain in
each Prison.

34. All books of account, and other books, bills, registers, returns, receipts, bills of parcels and vouchers, and all other papers and documents of every kind relating to the affairs of the said several Central Prisons, shall be considered the property of such prisons respectively, and shall remain therein; and the Warden of every such Central Prison shall preserve therein at least one copy of all official reports made to the Legislature respecting the same, for which purpose, and for the purpose of enabling him to distribute such official reports in exchange for like documents from other similar institutions abroad, he shall be furnished, by the Clerk of the Legislative Assembly, on application, with fifty copies of such reports as printed by the said Legislative Assembly.

Official
reports to be
preserved, &c.

Prisoner not
to be dis-
charged on a
Sunday.

35. Whenever the time of any prisoner's sentence in any of the said Central Prisons shall expire on a Sunday, he shall be discharged on the previous Saturday, unless he desires to remain until the Monday following.

Prisoners
labouring
under certain
diseases not to
be discharged
till cured.

36. No prisoner shall be discharged from any such Central Prison, at the termination of his sentence, if then labouring under any cutaneous or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in such prison until he recovers from such disease or illness; provided that any convict or prisoner, remaining from any such cause in any such Central Prison, shall be under the same discipline and control as if his sentence were still unexpired.

Escape, etc.,
punishable
according to
the Rules of
the Prison.

37. Any escape, prison breach, or attempt to escape by any person confined in, or sentenced to any such Central Prison, shall be punished as may be provided by the Rules and Regulations of the Prison in that behalf.

Interpreta-
tion

38. The word "*County*," wherever it occurs in this Act, shall include any Union of Counties for judicial purposes; the district of "*Algoma*;" the Territorial District of Muskoka; the Temporary District of Nipissing, and any other judicial or territorial division, or district that may be formed out of any portion of the unorganized territory in this Province.

1- Reading 2 December 1866
2 " " 10 " " "
Discharged 16 January 1867

No. 89.] **BILL.** [1868.

An Act to make provision for the Registration of Marks or Brands, used in marking Timber.

WHEREAS it is expedient that some further protection against loss, be given to persons engaged in the lumber trade: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

- 5 **1.** That every person who shall put any logs or timber into any of the streams or lakes in this Province, for rafting or floating down such waters, shall select some mark or marks different from any mark previously recorded, and put the same in a conspicuous place on each log or piece of timber so put into said
10 waters, and shall cause his mark or marks to be recorded by the Registrar of the County in which the same are used, whose duty it shall be to enter the same and make an impression thereof in a book to be kept by him for that purpose, which shall be subject to the inspection of any person requiring it. All timber floated to be marked with registered mark.
- 15 **2.** Every such person who shall neglect to enter his mark, as required in the foregoing section, shall be debarred from all the benefits arising from the due entry of such mark, and the assignee or vender of any such logs or timber shall be subject to the same regulations and restrictions. For default shall lose benefit of this Act.
- 20 **3.** The Registrar shall be entitled to the compensation of twenty-five cents for entering any such mark, to be paid by the person requesting the same to be entered; and a copy of such entry certified by such Registrar shall be received as presumptive evidence in all the courts of this Province, that the
25 lumber, timber and logs having such mark is the property of the person by whom such mark was selected and recorded, and for such copy and certificate the Registrar shall be entitled to a fee of twenty-five cents to be paid by the person requiring the same. Registrar's fee mark. Presumptive evidence of title.
- 30 **4.** No person shall cut out, alter, deface or destroy any mark made upon any logs, timber, boards or plank by the owner thereof, or put a false mark upon any such logs or other lumber, either in the woods or floating on any of the waters of this Province, or lying on the banks or shores of any such waters,
35 or any saw mill where the same may have floated; and whoever shall violate the provisions of this section, shall, for every offence, forfeit to the owner of such logs or other lumber, the sum of twenty-five dollars. Penalty for defacing.

Forfeiture for
wrongful
conversion.

5. Whoever shall convert to his own use, without the consent of the owner thereof, any logs, timber, boards or plank, floating in any of the waters of this Province, or lying on the banks or shores thereof, where the same may have drifted, shall for every offence, forfeit to the owner of such logs or other lumber five, times the value thereof.

No. 89.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to make provisions for the Registration of Marks or Brands used in marking Timber.

First reading, Dec. 2nd, 1868

Mr. CARNEGIE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1- Reading 2 December 1868
2 " 13 January 1869
3 " 19 " "

No. 90.] **BILL.** [1868.

An Act respecting Tavern and Shop Licenses.

WHEREAS it is expedient to amend and consolidate the Preamble.
several enactments relating to Tavern and Shop Licenses :
Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of Ontario, enacts as follows :

- 5 1. No person shall sell spirituous, fermented or other manu- No person to
factured liquors by retail, to be drunk in any Tavern, Inn, Ale- sell liquors
house, Beer-house, or in any other house or in any other place without
within the Province of Ontario, without having first obtained license.
a Tavern License authorizing him so to do, as hereinafter pro-
10 vided.
2. It shall be lawful for the Lieutenant-Governor in Council Licenses to be
to direct the issue of Tavern Licenses on stamped paper, writ- on stamped
ten or printed, or partly written and partly printed, of the sev- paper.
eral values after-mentioned, which said Tavern Licenses shall
15 be signed by the Treasurer of this Province.
3. Over and above the sum which may be imposed by mun- Duties
icipalities, as hereinafter provided, there shall be paid for each payable.
Tavern License to and for the use of Her Majesty (and form-
ing part of the Consolidated Revenue Fund of this Province),
20 in Cities a duty of twelve dollars, in Towns of ten dollars, and
in Townships and Incorporated Villages of five dollars, and for
Vessels navigating the waters of this Province between any two
municipalities of five dollars.
4. It shall not be lawful for any person or persons to coun- Counterfeiting
25 terfeit or imitate, or cause to be counterfeited or imitated, any stamped
stamp or stamped paper, or license issued or authorized to be paper.
issued for the purposes of this Act, or knowingly to use, offer,
sell or expose for sale any counterfeited or imitated stamp, or
stamped license paper, or to print, engrave, cut, sink or make
30 any plate, die or other thing whereby to counterfeit or imitate
such stamp or stamped paper, or license or any part thereof, or
to use or have in his possession, any plate, die, or other thing
lawfully engraved, cut or made for the purposes of this Act,
except by the permission of the Treasurer of this Province, or
35 of some officer or person in that behalf, who, under an Order
in Council, may lawfully grant such permission, nor shall it be
lawful for any person or persons to tear off or remove from any
instrument on which a duty is payable under this Act, any stamp
by which such duty has been wholly or in part paid, or to remove
40 from any such stamp or stamped paper any writing or mark
indicating that it has been used in respect of the payment of
any such duty, and any person or persons violating the provi-

How
punishable.

sions of this section, shall upon conviction thereof before any Court of General Quarter Sessions of the Peace, or Oyer and Terminer or General Gaol Delivery, be imprisoned at hard labor in the Common Gaol of the county wherein the offence was committed for a period not exceeding one year, or in the Provincial Penitentiary for a period not exceeding five years, such imprisonment to be in the discretion of the Court before which the conviction was had. 5

Issuer of
licenses to be
appointed.

5. The Lieutenant-Governor may, from time to time, appoint one fit and proper person in each county, city, riding or municipality to be called Issuer of Tavern Licenses, whose duty it shall be to issue Tavern Licenses for the county, city, riding or municipality for which he shall be appointed, and who shall countersign every Tavern License issued by him, for which service he shall be entitled to retain out of the moneys received by him for Tavern Licenses the sum of ten per centum, and the residue thereof he shall pay to the Treasurer of Ontario in such manner as the said Treasurer shall from time to time direct. 15

Their duties.

Tavern
Licenses, how
issued.

6. Every Tavern License shall be issued by the Issuer of Tavern Licenses for the county, city, riding or municipality in which the tavern, house or place to which the Tavern License is to apply shall be situate, except in the case of Tavern Licenses for vessels, which may be issued by any Issuer of Tavern Licenses without any certificate or any of the terms, conditions or formalities required in other cases; provided always that all Tavern Licenses shall be constantly and conspicuously exposed in the bar-room of taverns, inns, ale-houses, beer-houses, or other places of public entertainment, and in the bar-saloon or bar-cabin in vessels, under a penalty of five dollars for every day's omission, to be recovered with costs from the tavern, inn, ale-house or beer-house keeper or keeper of any other place of public entertainment, or master, captain, or owner of the vessel so making default. 20 25 30

Vessel
Licenses

Licenses to be
exposed in
bar-room.

Council and
police commis-
sioners may
make by-laws.

7. The Council of every township, town, and incorporated village, and the Commissioners of Police in cities may respectively pass By-Laws: 35

For granting
Tavern
Licenses, cer-
tificates, and
shop licences.

1. For granting certificates to obtain Tavern Licenses for the retail of spiritous, fermented or other manufactured liquors, to be drunk in the tavern, inn, ale-house, beer-house or other place of public entertainment in which the same is sold, and also licenses for the retail of such liquors in quantities not less than one quart in shops, stores or places other than taverns, inns, ale-houses, beer-houses or places of public entertainment; 40

Terms and
conditions.

2. For declaring the terms and conditions required to be complied with by an applicant for a Tavern License, and the security to be given by him for observing the same; 45

Security to
be given.

3. For declaring the security to be given by an applicant for a Shop License, for observing the by-laws of the municipality; 50

Number may
be limited.

4. For limiting the number of Tavern and Shop Licenses respectively; 50

- 5 5. For declaring that in cities a number not exceeding ten persons, and in towns a number not exceeding four persons, qualified to have a Tavern License, may be exempted from the necessity of having all the tavern accommodation required by law; Exempting certain number from having certain accommodations.
6. For regulating the houses or places to be licensed, the time the licenses are to be in force, not exceeding one year, dating from the first day of March in each year, and the sums to be paid therefor respectively; Regulation of public-houses.
- 10 7. For prohibiting the sale by retail of spirituous, fermented or other manufactured liquors in any tavern, inn or other house or place of public entertainment, and for prohibiting altogether the sale thereof in shops and places other than houses of public entertainment: provided that the by-law before the final passing thereof has been duly approved of by the electors of the municipality in the manner provided by the Act twenty-nine and thirty Victoria, chapter fifty-one; Sale of liquors in taverns or shops may be prohibited.
- 15 8. For appointing annually one or more fit and proper persons, possessing the same property qualifications as that required for members of the Council of the municipality, to be Inspector or Inspectors of Licenses; Inspectors may be appointed.
- 20 9. For fixing and defining the duties, powers and privileges of the Inspector or Inspectors so appointed, the remuneration he or they shall receive, and the security to be given for the efficient discharge of the duties of the office of Inspector; Duties and remuneration may be defined.
- 25 10. For regulating and determining the hours during which spirituous, fermented or manufactured liquors may be sold in any tavern, inn, ale-house, beer-house or other place or house of public entertainment, or in any shop, store, or other place other than houses of public entertainment, or in or on the premises thereof; Regulating hours during which liquor may be sold.
- 30 8. Every tavern and inn authorised to be kept under the provisions of this Act shall contain, in addition to what may be needed for the use of the family of the tavern or inn-keeper, not less than four bed rooms, with a suitable complement of bedding and furniture, and (except in cities and incorporated towns) there shall also be attached to the said tavern or inn, proper stabling for at least six horses. Accommodation required.
- 35 9. The Clerk of every municipality and the Police Commissioners in every city shall, on or before the fifteenth day of February in each year, deliver to the Issuer of Tavern Licenses for the county, city, riding or municipality in which such municipality is situate, a certificate under his or their hand, stating and shewing the number of Tavern Licenses which are authorized by the by-law in that behalf to be issued for the then next ensuing year, and any such Clerk or Police Commissioners neglecting, omitting or refusing to deliver such certificate by the time aforesaid, shall incur a penalty of not less than forty dollars, nor more than one hundred dollars. Certificate of number of licenses issuable to be furnished to issuer. Penalty.
- 50 10. The Issuer of Tavern Licenses for each county, city, riding or municipality, as the case may be, shall not issue a Issuer not to issue a greater number.

greater number of Tavern Licenses in any county, city, riding or municipality, than is named in such certificate or certificates, as the case may be.

Sum to be paid in addition to Provincial duty.

No sum to exceed \$100.

Unless approved by public vote, &c.

To be Tavern License, for purposes of Provincial duty, &c.

No certificate to be granted, except upon petition.

But not to be granted at certain times and places.

Penalty for issuing certificate contrary to this Act.

In what case:

11. The sum to be paid for a Tavern License shall be in addition to the Provincial duty hereinbefore imposed, such a sum as shall be fixed by by-law as aforesaid, and in cities shall not be less than thirteen dollars, in towns not less than eleven dollars, and in townships not less than five dollars and fifty cents; but no by-law by which a greater sum than one hundred dollars per annum is intended to be exacted for any Tavern 10 or Shop License, or for leave to exercise any other calling, or to do any other thing for which a license may be required, shall have any force or effect, unless the by-law before the final passing thereof shall have been duly approved by the electors of the municipality in the manner provided by the Act twenty- 15 nine and thirty Victoria, chapter fifty-one, and any by-law so passed shall not be varied or repealed, unless the varying or repealing by-law shall have been in like manner submitted to, and approved of by the electors of the said municipality.

12. Every Tavern License issued under this Act shall be a 20 Tavern License for the purpose of the Provincial duty as well as for the sum to be fixed therefor by by-law as aforesaid, and the sum paid for the Tavern License, over and above the Provincial duty, shall be applied to the use of the municipality within which is situate the tavern, inn, ale-house, beer-house, 25 or other place in which such Tavern License is to have effect.

13. No certificate for a Tavern License to retail spirituous, fermented or other manufactured liquors in any tavern, ale-house, beer-house, or place of public entertainment shall be granted to any applicant except upon petition by the applicant 30 to the Council of the township, town, or incorporated village, and to the Commissioners of Police in cities, as the case may be, in which the Tavern License is to have effect, praying for the same, nor until the Inspector to be appointed as aforesaid, shall have reported that the applicant is a fit and proper person 35 to have a Tavern License, and has all the accommodation required by law: provided always, that it shall not be lawful for the Council of any township, town, incorporated village, or the Commissioners of Police in any city, to grant any certificate for a Tavern License, or any certificate whatsoever whereby any 40 person can obtain or procure any Tavern or other License for the sale of spirituous, fermented or intoxicating liquors, on the days of the exhibition of the Agricultural Association of Ontario, or of any county, electoral division, or township Agricultural Society, either on the grounds of such society, or within 45 the distance of three hundred yards from such grounds.

14. Any member of a municipal corporation, or officer or other person who shall, contrary to the provisions of this Act, issue a certificate for a Tavern License or a Shop License shall, upon conviction thereof, for each offence pay a fine of not less 50 than forty dollars nor more than one hundred dollars, or the offender or offenders may be imprisoned in the county jail of the county in which the conviction takes place for a period not exceeding three calendar months.

15. It shall be the duty of the Commissioners of Police in 55

- cities, of the Mayor and Clerk in towns, and Reeve and Clerk in townships and incorporated villages respectively, upon application of any person requiring a Tavern License, if it shall appear that such applicant has complied with the requirements of the law, and of the by-laws and regulations of the municipality made in that behalf and is therefore entitled thereto, to grant such applicant a certificate under his or their hand, stating that he is entitled to a Tavern License for a certain time, and for a certain tavern, inn, house or place of public entertainment within the municipality to be mentioned in such certificate, and the said applicant shall forthwith take the said certificate to the Issuer of Tavern Licenses within which the said Tavern License is to have effect, and on presentation thereof to the said Issuer of Tavern Licenses, and payment to him of the Provincial duty thereon, the said Issuer of Tavern Licenses shall issue to such applicant a Tavern License: provided always that the said Tavern License shall be invalid, inoperative and of no effect until the said applicant shall have paid to the Chamberlain or Treasurer of the said municipality the sum fixed therefor by the said municipality in manner in this Act provided, for the use of the said municipality, and shall have obtained a receipt for such payment signed by the said Chamberlain or Treasurer, and endorsed on the said Tavern License; and it shall be the duty of the said Chamberlain or Treasurer, on payment or tender to him of the money last aforesaid and the said Tavern License, to fill up and sign such receipt.

certificates to be granted.

Mode of procedure for obtaining Tavern Licenses.

16. It shall not be lawful for the Commissioners of Police in cities, or any of them, nor for any member of any municipal council, nor for the Clerk, Chamberlain, Treasurer or any officer of such municipality, either directly or indirectly, to receive, take, or have any money whatsoever, for any certificate, matter, or thing connected with, or relating to any Tavern License, or the sum to be therefor paid to the said municipality, or any part thereof, or to receive, take, or have any note, security, or promise for the payment of any such money or any part thereof, from any person or persons whatsoever, until and after the said Tavern License shall have been issued by the Issuer of Tavern Licenses in the manner aforesaid; and any person or persons guilty of, or concerned in, or a party to any act, matter or thing contrary to the provisions of this section, or that immediately preceding it, shall forfeit and pay to and for the use of Her Majesty a penalty not less than fifty dollars, nor more than one hundred dollars besides costs, for every such offence.

Not lawful for Chamberlain or Treasurer to take money for certificate, until provincial duty is paid.

Penalty.

17. If any officer of any municipal corporation shall be convicted of any offence under this Act, he shall thereby forfeit and vacate his office, and he shall be disqualified to hold any office in any municipality in this Province for two years thereafter.
18. If any member of any municipal council shall be convicted of any offence under this Act, he shall thereby forfeit and vacate his seat, and shall be ineligible to be elected to or to sit or vote in any municipal council for two years thereafter, and if any such person after the forfeiture aforesaid, shall sit or vote in any municipal council, he shall incur a penalty of forty dollars for every day he shall so sit or vote.

Forfeiture of office by municipal officer, if convicted under this Act.

Member of municipal council, if convicted under this Act, shall forfeit his seat.

Touching
transfers of
Tavern
Licenses.

19. If any person having lawfully obtained a Tavern License under this Act dies before the expiration of his Tavern License, or removes from the house or place in respect of which the said Tavern License applies, such person, his assigns or legal representatives may, with the consent of the Issuer of Tavern Licenses for the municipality in which the said Tavern License has effect to be endorsed on the said Tavern License (and for which a fee of two dollars shall be paid to the said Issuer of Tavern Licenses) transfer such Tavern License to any other person who, under such transfer, may exercise the rights granted by such Tavern License subject to all the duties and obligations of the original holder thereof until the expiration thereof, in the house or place for which such Tavern License was issued and to which it applies, but in no other house or place; provided always that in every such case the person in whose favour any such transfer is to be made shall first produce to the said Issuer of Tavern Licenses the certificate mentioned in the fifteenth section of this Act; and provided further, that such transfer shall be made within one month after the death or removal of the original holder of such Tavern License, and not afterwards.

Inspector of
Licenses may
consent to re-
moval of
Tavern-keeper
to another
house.

20. Any Inspector of Licenses may, in his discretion (but subject to any by-law of the municipality, or Commissioners of Police), endorse on any Tavern License permission to the holder thereof, to sell the liquors mentioned in his Tavern License at any place out of his house, or to remove from the house to which his said Tavern License applies to another house to be described in an endorsement to be made by the said Inspector on the said Tavern License, and situate within the same municipality, and such permission shall authorize the original holder of the said Tavern License to sell the same liquors in the house mentioned in the endorsement during the unexpired portion of the term for which the said Tavern License was granted, and upon the same terms and conditions; and any bond or security which such holder of a Tavern License may have given for any purpose relative to such Tavern License, shall apply to the house or place to which such removal is authorized, but shall not entitle him to sell at more than one place at the same time.

No license re-
quired to sell
in original
package.

21. No Tavern License or Shop License shall be necessary for selling any liquors in the original packages in which the same have been received from the importer or manufacturer, provided such packages contain respectively not less than five gallons or one dozen bottles.

Tavern-keep-
ers to exhibit
notice of being
licensed.

22. Every person who keeps a tavern, inn, ale-house, beer-house, or other house, or place of public entertainment, and has a Tavern License, shall exhibit over the door of such tavern, inn, ale-house, beer-house, or other place of public entertainment, in large letters, the words "Licensed to sell wine, beer, and other spirituous or fermented liquors," and in default thereof shall be liable to a penalty of one dollar, besides costs.

Shop license
not to autho-
rize sale of
liquor to be
consumed in
the house.

23. No licensed shop-keeper, or other person having a Shop License, shall allow any liquors sold by him, and for the sale of which a license is required, to be consumed within his shop or within the building of which such shop is a part, either

by the purchaser thereof or by any other person not usually resident within such building, under a penalty of ten dollars, besides costs.

24. Any person who shall sell or barter spirituous, fermented or manufactured liquors of any kind, or intoxicating liquors of any kind, without the License therefor by law required, shall, for the first offence, on conviction thereof, forfeit and pay a penalty of not less than twenty dollars, besides costs, and not more than fifty dollars, besides costs; and for the second offence, on conviction thereof, such person shall be imprisoned in the county jail of the county in which the offence was committed, to be kept at hard labor for a period not exceeding three calendar months; and for the third and any after offence, on conviction thereof, such person shall be imprisoned in the county jail of the county in which the offence or offences were committed, to be kept at hard labor for a period of six calendar months, and the number of convictions may be ascertained by the production of a certificate under the hand of the convicting Justice, or by other satisfactory evidence.

Penalty for selling without license.

25. In every municipality, the Council or the Commissioners of Police whereof, as the case may be, has or have, by by-law, under the provisions of this Act, regulated and determined the hours during which spirituous, fermented or manufactured liquors may be sold in taverns, inns, ale-houses, beer-houses, or other houses or places of public entertainment, and in shops, stores, or places other than houses of public entertainment, or in or on the premises thereof—no sale or other disposition of the said liquors shall take place in any of the places aforesaid, or on the premises thereof, or out of or from the same, to any person or persons whomsoever, from or after the hour on Saturday evening named in such by-law, until and after the hour on Monday morning following named in such by-law, or during any day or days, or the hour or hours of any day or days the Council, or Police Commissioners aforesaid, has or have by the by-law aforesaid, or has or have, or shall by any other by-law or by-laws declare that such sale or disposition of the said liquors shall not take place, and that the bar-rooms or bar saloons of the places aforesaid shall be kept closed: save and except in cases where a requisition for medical purposes, signed by a licensed medical practitioner, or by a Justice of the Peace, is produced by the vendee or his agent; nor shall any such liquors be permitted or allowed to be drunk in any such places except as aforesaid, during the time so prohibited as aforesaid, for the sale thereof as aforesaid.

When Council or Commf-sioner of Police has or have regulated the hours for the sale of liquors, no sale shall take place except during such hours.

Exceptions.

26. And for punishment of offences against the next preceding section of this Act, a penalty, for the first offence against the provisions thereof, of not less than twenty dollars with costs, or fifteen days imprisonment with hard labour, in case of conviction, shall be recoverable from, and leviable against the goods and chattels of the person or persons who are the proprietors in occupancy, or tenants or agents in occupancy of the said place or places, who shall be found by himself or herself, or themselves, or his, her or their servants or agents, to have contravened the enactment in the preceding section, or any part thereof; for the second offence, a penalty against all such of not less than forty dollars with costs, or twenty days imprisonment

Penalty for contravention of section twenty-five.

with hard labour; for a third offence, a penalty against all such of not less than one hundred dollars with costs, or fifty days imprisonment with hard labour; and, for a fourth or any after offence, a penalty against all such of not less than three months imprisonment with hard labour, in the common jail of the 5 county wherein such place or places may be—the number of such offences to be ascertained by the production of a certificate under the hand of the convicting Justice, or by other satisfactory evidence to the Justice before whom the information and complaint may be made; and it is hereby enacted that convictions 10 for several offences may be made under this Act, although such offences may have been committed in the same day; provided always that the increased penalties hereinbefore in this section imposed shall only be recoverable in the case of offences committed on different days. 15

Prosecutions for selling without license to be before two or more J. P.'s or Police Magistrate.

27. All prosecutions under this Act for the offences of vend- ing, selling or disposing of wine, whiskey, gin, rum, brandy beer, ale, cider or any spirituous, fermented or manufactured liquors without license, whether the prosecution be for the re- covery of a penalty or for punishment by imprisonment, shall 20 take place before any two or more of Her Majesty's Justices of the Peace having jurisdiction in the municipality in which the offence is committed, or in cities and towns where there is a Police Magistrate before the Police Magistrate, who, it is here- by declared, shall have authority to hear and determine the 25 same in a summary manner according to the practice and pro- cedure and after forms contained in and appended to the Act chapter one hundred and three of the Consolidated Statutes of Canada, intituled "*An Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions 30 and orders*," and the Act or Acts amending the same, and on such trial and proceedings the prosecutor or complainant shall be a competent witness, and the conviction or order of the said two or more Justices, or of the said Police Magistrate, as the case may be, shall be final and conclusive, and against such conviction 35 or order, there shall be no appeal to the Court of General Quar- ter Sessions, or to any other Court, any statute, usage, custom or law to the contrary, notwithstanding: and all prosecutions un- der this section shall be commenced within twenty days after the commission of the offence or after the cause of action arose, 40 and not afterwards.

Mode of pro- cedure.

Conviction to be final.

Prosecutions to be com- menced within twenty days.

All other pro- secutions may be before one or more J. P.'s or a Police Magistrate.

Mode of pro- cedure. Prosecutions to be com- menced within two months.

28. All prosecutions under this Act other than those men- tioned in the next preceding section, and sections four and thirty- five, whether for the recovery of a penalty or otherwise, may be brought and heard before any one or more of Her Majesty's Jus- 45 tices of the Peace in and for the county where the forfeiture took place, or the penalty was incurred, or the offence was com- mitted or wrong done, and in cities and towns in which there is a Police Magistrate before the Police Magistrate; and the procedure shall be that of Justices out of Sessions in relation 50 to summary convictions and orders; and all prosecutions provided for under this section shall be commenced with- in two months after the commission of the offence or the cause of action arose, and not afterwards.

Any person may be prose- cutor.

29. Any person may be the prosecutor or complainant in 55 prosecutions under this Act, and no person shall be rendered

incompetent as a witness by reason of his being entitled to any portion of the penalty sought to be recovered.

- 30.** Any person who, on any prosecution under this Act, tampers with a witness, either before or after he or she is summoned or appears as such witness on any trial or proceeding under this Act, or by the offer of money, or by threats, or in any other way either directly or indirectly induces or attempts to induce any such person to absent himself or herself, or to swear falsely, shall be liable to a penalty of fifty dollars for each offence. Penalty for tampering with a witness.
- 31.** Except otherwise expressly declared, the penalties in money in this Act mentioned or any portion of them which may be recovered shall be paid to the convicting Justice or Justices in the case, and by him or them paid equally, one-half to the prosecutor or complainant and the other to the Treasurer of the municipality wherein the offence was committed and the cause of action arose; and for the recovery of the said penalties and legal costs upon and after conviction, in cases not appealable, and in cases appealable where no appeal has been perfected according to law, it shall and may be lawful for any Justice or Justices to issue a warrant of distress to any constable or peace officer against the goods and chattels of the person or persons convicted, and in case no sufficient distress be found to satisfy the said conviction, then it shall and may be lawful for the said Justice or Justices to order that the person or persons so convicted be imprisoned in any common gaol within the county in which such conviction was made for any period not exceeding thirty days, unless the penalty and all costs be sooner paid. Penalty in certain cases, to be paid, one half to municipality and one half to complainant. Penalties and costs, how recoverable.

- 32.** Any person who, having violated any of the provisions of this Act, shall compromise, compound or settle, or shall offer or attempt to compromise, compound or settle the offence with any person or persons, with a view of preventing any complaint being made in respect thereof, or if a complaint shall have been made with the view of getting rid of such complaint, or of stopping or having the same dismissed for want of prosecution, or otherwise, shall be guilty of an offence under this Act, and on conviction thereof, shall be imprisoned at hard labour in the common gaol of the county in which the offence was committed for the period of three calendar months. Penalty in case any person shall compromise, compound or settle a case.

- 33.** Every person who shall be concerned in, or a party to the compromise, composition or settlement mentioned in the next preceding section, shall be guilty of an offence under this Act, and on conviction thereof shall be imprisoned in the common gaol of the county in which the offence was committed, for the period of three calendar months. Penalty where any person shall be concerned in the compromising, composition or settlement of a case.

- 34.** In case any by-law respecting Tavern or Shop Licenses is repealed, altered or amended, no person shall be required to take out a new license, or to pay any additional sum upon his license during the time for which the same has been granted to him. Licenses when not required to be renewed.

- 35.** The Mayor or Police Magistrate of a town or city, or the Reeve of a township or village, with any one Justice of the Peace having jurisdiction in the township or village, upon complaint

made on oath to them, or one of them respectively, of riotous or disorderly conduct in any inn, tavern, ale-house or beer-house, or other house of public entertainment situate within their jurisdiction, may summon the keeper of the inn, tavern, ale or beer-house to answer the complaint, and may investigate the same summarily, and either dismiss the complaint with costs to be paid by the complainant, or convict the keeper of having a riotous or disorderly house, and annul his license, or suspend the same for not more than sixty days, with or without costs, as in his or their discretion may seem just; and in case the keeper of any such inn, tavern, ale-house or beer-house, or place of public entertainment, shall be convicted under this section, and his license annulled, he shall not be eligible to obtain a Tavern License for the period of two years thereafter.

Penalties or punishments not to be remitted.

Appeals, and how tried.

Meaning of words "liquors" and "liquor."

Certain Acts and sections of Acts hereby repealed, but proceedings pending not affected by such repeal.

Title.

36. No municipal council or municipal officer shall have any power or authority to remit or compromise any penalty or punishment inflicted under this Act: provided, however, that any conviction under this Act, except convictions under sections twenty-seven and thirty-five, may be appealed from to the Court of Sessions or General Quarter Sessions of the Peace, under the provisions of chapter one hundred and fourteen of the Consolidated Statutes of Upper Canada; but every such appeal shall be tried by the chairman of the said court, associated with him one or more Justices of the Peace of the county, without a jury.

37. In this Act the word "liquors" or "liquor" shall be understood to mean and comprehend all spirituous and malt liquors, and all combinations of liquors and drinks and drinkable liquids which are intoxicating.

38. Sections from two-hundred and forty-nine to two hundred and sixty-three, both inclusive, and sections two hundred and sixty-five, two hundred and sixty-six, and two hundred and sixty-seven of the Act of the last session of the Parliament of the late Province of Canada, intituled "*An Act respecting the Municipal institutions of Upper Canada*," and also the Act of the Legislature of this Province, passed in the first session of the present Legislature, thirty-one Victoria, chapter five, and all other Acts or parts of Acts which may be inconsistent with this Act are, and each and every of them is hereby repealed: provided always that all things and all proceedings done, taken, or commenced shall not be affected by the repeal of the said last mentioned Act, or of the said sections of the said first mentioned Act, or of any other Acts but the same, and every of them shall be, remain and continue the same as though this Act had not passed.

39. This Act may be cited as "The Tavern and Shop License Act, 1868.

No. 90.

2nd Session, 1st Parliament, 32 Victoria, 1

BILL.

An Act respecting Tavern and Shop Lice

First reading, Dec. 3, 1868.

Hon. Mr. W

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

No. 91.]

BILL.

[1868.

An Act to amend the Act Chapter 40 of 29th Victoria,
intituled "An Act to prevent the spreading of Canada
Thistles in Upper Canada."

WHEREAS it is desirable to amend the Act relating to the Preamble.
spread of Canada Thistles in Upper Canada.

1. That notwithstanding anything in said Act contained; it shall not be lawful for any overseer of highways to enter upon
5 any of the duties therein imposed without having first obtained
authority from the Municipal Corporation of which he is an
officer. Overseer to have authority of the Council.

2. That it shall be lawful for all Municipal Corporations in
the Province of Ontario to authorize the carrying out of the
10 provisions of the said Act. All Municipal Corporations authorized.

BILL.

An Act to amend Chapter 40, 29th Victoria,
intituled "An Act to prevent the spreading
of Canada Thistles in U pper Canada."

First reading, Dec. 2, 1868.

Mr. MATCHETT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1- Reading 2 December 1868
2
3
Discharged
14 January 1869

No. 92.]

BILL.

[1868

An Act to remove doubts as to the rights of the Bondholders of the Cobourg and Peterborough Railway Company to the surplus of funds paid, or to be paid, into the Court of Chancery, under the Act 29 Victoria, Chapter 79, after providing for payment of rights of way station and depot grounds, and to provide for the distribution thereof among such Bondholders.

WHEREAS certain Bondholders of the Cobourg and Peterborough Railway Company have, by their petition, represented that a surplus of moneys remains in the Court of Chancery for Ontario, after providing for payment of all claims for unpaid rights of way-station and depot-grounds of the said Company, such moneys having been paid into Court under the Act Twenty-nine Victoria, Chapter Seventy-nine; that a further sum of five thousand dollars and interest is ordered by the said recited Act to be paid into the said Court, and is intended to be applied in like manner in satisfaction of claims for right of way-station and depot-grounds; that the property and franchises of the said Company were by the said recited Act declared to be of the value of one hundred thousand dollars, on the distribution of which, between the Bondholders and claimants for right of way, all further claims of the Bondholders was by the said Act extinguished; that in any case, the Bondholders will lose the largest part of their respective debts, and that they are in justice and equity entitled to the said surplus in preference to the Cobourg, Peterborough and Marmora Railway and Mining Company; and whereas the Bondholders have in their said petition, prayed that they may be declared entitled both to the surplus now in the Court of Chancery, and to the further payment to be made under the said Act, and it is expedient to grant the prayer of such petition; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. The surplus of moneys now in the Court of Chancery for Ontario, and paid in under the Act Twenty-nine Victoria, Seventy-nine, over and above the sum required to pay all claims for unpaid rights of way station and depot grounds, as well as the further payment directed to be made by the said Act for the like purpose, together with all interest thereon, shall be distributed by the Court of Chancery among the said Bondholders in addition to and in the same manner as the sums in and by the said Act of the Twenty-ninth Victoria, Chapter Seventy-nine, expressly ordered to be distributed among the said Bondholders.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to remove doubts as to the rights of the Bondholders of the Cobourg and Peterborough Railway Company to the surplus of funds paid, or to be paid, into the Court of Chancery, under the Act 29 Vic., Cap. 79, after providing for payment of rights of way-station and depot-grounds, and to provide for the distribution thereof among such Bondholders.

PRIVATE BILL.

First reading, Dec. 2nd, 1868

M^r. BLAKE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 93.]

BILL.

[1868.

An Act to amend the Act 31 Vic., Cap. 41, intituled
"An Act to incorporate the Toronto and Nipissing
Railway Company."

WHEREAS the Toronto and Nipissing Railway Company Preamble.
have prayed for certain amendments of their charter,
and for an extension of the favors conferred upon them thereby;
Therefore, Her Majesty, by and with the advice and consent of
5 the Legislative Assembly of Ontario, enacts as follows:—

1. That all By-laws passed or to be passed by any Municipi- By-laws and
pality for the purpose of aiding the said Toronto and Nipissing debentures to
Railway Company, under the tenth section of the Act passed in aid the Rail-
the 31st year of Her Majesty's reign, chaptered 41, and entitled way Company
10 "An Act to incorporate the Toronto and Nipissing Railway confirmed, etc.
Company," and all debentures issued or to be issued under such
By-law or By-laws, shall be and are hereby declared to be legal
and valid; provided only, that such By-law or By-laws shall
have been or shall be passed by a majority of rate-payers,
15 entitled to vote at any municipal election, who shall have voted
or shall vote thereon.

2. Any Municipality which shall grant a bonus of not less Head of Muni-
than \$150,000, in aid of the said Company, shall be entitled to cipality grant-
name a Director in the said Company, as the representative of ing \$150,000 to
20 such Municipality, and such Director shall be in addition to all be a Director.
shareholders, Directors in the said Company, and shall not
require to be a shareholder in the said Company, and shall
continue in office as a Director of the said Company until his
successor shall be appointed by the Municipality which he
25 represents.

3. In case a majority of the municipal electors in any por- When rate-
tion of the territorial extent of any municipality petition the payers along
Corporation of such municipality to grant a bonus to aid and the line peti-
assist the said Company, under the tenth section of the said tion corpora-
30 recited Act, and in such petition state,— tion they shall
pass a By-law
binding on the
locality.

1. The amount of such bonus.

2. The time within which the debentures to be issued there-
for are to be made payable.

3. The territorial extent and boundaries of the section of the
35 Municipality to be assessed therefor, of which section the pe-
titioners form a majority of the municipal electors.

The said Corporation shall pass a By-law in the terms of said
petition,—

First. For raising the amount of bonus moved in such petition by the debentures of said the municipality.

Secondly. Specifying the time within which such debentures shall be payable, and the amount for each debenture.

Thirdly. For assessing and levying upon all the rateable property lying within the section as fixed by the petition and annual special rate, sufficient to include a sinking fund, for the payment of the debentures so to be issued and the interest thereon, until such debentures and interest are paid.

And such Corporation shall thereupon issue such debentures as the debentures of the Municipality, and the same shall be delivered over and dealt with in the same manner as any debentures issued under the provisions of the said recited Act, and shall be legal, valid and binding upon such Municipality without any other form or providing whatever.

Section 11, 13
Victoria, cap.
40, repealed,
and new enact-
ment.

4. So much of the eleventh section of the said recited Act as requires all the Trustees thereon named to be residents of the City of Toronto, shall be and is hereby repealed; and in lieu thereof Her Majesty so enacts that the Trustees named by the Lieutenant Governor and the said Company shall alone be required to be residents of the City of Toronto.

Provisional
Directors may
commence
Railway.

5. That, notwithstanding anything in the said recited Act contained, the Provisional Directors therein named are hereby empowered to commence the construction of the said Railway, and such commencement shall be deemed and taken to be a commencement within the district and meaning of the thirty-third section of the said recited Act.

6. The said Company and their servants shall have power to construct a Branch of their said Railway from a point on their main line, in the Township of Brock, to the Town of Lindsay.

7. All the powers, clauses and provisions contained in the said Act of Incorporation of the said Toronto and Nipissing Railway Company shall be read with this Act, and shall apply to the extended powers conferred hereby, except in so far as they may be inconsistent with this Act.

BILL.

An Act to amend the Act 31 Victoria, Chapter 41, entitled an Act to Incorporate Toronto and Nipissing Railway Company

PRIVATE BILL.

1st Reading, 3rd December, 1868.

Hon. Mr. CAME

TORONTO

PRINTED BY HUNTER, ROSE & CO

12-Reading 3rd December 1868
19
18 January 1869

No. 94.]

BILL.

[1868.

An Act for the relief of William H. Bell and others
interested in the estate of the late Thomas Bell.

WHEREAS William Houghton Bell, of the City of Toronto, Gentleman, Charles Thomas Bell, of the same place, Gentleman, Thomas Hawkins Lee, of the same place, Merchant, and Emily Ann, his wife, have, by their petition, represented
5 that the late Thomas Bell, in his lifetime, of the City of Toronto, Esquire, duly made his last Will and Testament, executed so as to pass real estate by devise in this Province, whereby, in the first place, be ordered and directed that all his just and lawful debts and funeral expenses should be paid as soon as possible
10 after his death, or as soon as means should be available, without forcing a sale of any of his property; and, in the second place, after the payment of all his debts, he charged the whole of his estate, with the support of his wife, Catharine Bell, during her life or widowhood, to the extent in the said Will stated; and,
15 in the third place, be charged the whole of his estate with the support of his daughter, the Petitioner, the said Emily Ann Lee, then Emily Ann Bell, so long as she should remain at home with her mother, single and unmarried; and that, in the fourth place, he charged the whole of his estate with the sup-
20 port and education of his son, the Petitioner, Charles Thomas Bell, until he should attain the age of twenty-one years; and, in the fifth place, be declared it to be his Will that the whole of his income from his estate should, in the first place, be charged with the payment of all assessments and taxes, and
25 repairs to buildings and insurances, which charges were, in all instances, to be the first upon his estate, and which should, in all instances, be paid before any legacies, and out of the first moneys coming into the hands of his Trustees, in the said Will named; and, in the sixth place, be declared that after the pay-
30 ment of such prior charges, the then next charge upon his estate should be the support of his said wife and daughter, and his said son, Charles Thomas, as hereinbefore mentioned; and, in the seventh place, he directed that after the payment of taxes, assessments and ground rents, and of the provisions
35 thereinbefore made, and hereinbefore set forth, for the support of his said wife and daughter and his said son, the surplus of the said income, if any, should be divided into two parts, one to be invested for his son, the Petitioner, Charles Thomas, and the other given to his son, the Petitioner, William Houghton
40 Bell, at the time of such division of the said surplus (if any), and that the portion going to the Petitioner, Charles Thomas Bell, should be placed at interest for him until he should arrive at the age of twenty-one years, unless the Trustees should think it more advisable to let him have it before, but as to that
45 he left it to the discretion of the said Trustees to see that the

Preamble.
Will of Thos.
Bell.

said Charles Thomas made a good use of it; and, in the eighth place, in the event of the Petitioner, his daughter, Emily Ann Lee, marrying before a final division of his estate, as therein, after provided for, and hereinafter set forth, then he charged his estate from the time of such marriage with the annual payment 5 to her of the sum of £30, in lieu of the support thereinbefore provided for, and all other claims upon his estate, until the said general division thereof should take place; and, in the ninth place, for the purpose of enabling his said Trustees to carry into effect his said Will, he gave, devised and bequeathed to them, 10 and the survivors of them, the whole of his real and personal estate and effects, that he might be possessed of, or entitled to upon trust, to hold the same for the purposes of his said Will, and for the purpose of selling or conveying the same by deed or lease, but in no case to sell, except for the actual payment of 15 debts; and he thereby gave full authority to any two of his Trustees to convey such lands as he might have become bound to convey, but no such deed was to contain any covenant by which his estate might be affected, and in the case of leases, no lease was to contain any covenant whereby the property should 20 be encumbered for a greater period than twenty-one years, nor was any such lease to contain covenants for the payment of buildings or improvements, but it might contain a covenant for further renewal for twenty-one years, at such increased valuation of ground-rent as should be agreed upon in the usual way; 25 and, in the tenth place, he declared it to be his will, that upon the Petitioner, Charles Thomas Bell, attaining the age of thirty years, the whole of his estate and effects should be divided into three parts, as nearly equal as possible in situation, value and quantity, and that one equal third part thereof should be held 30 by the Petitioner, William Houghton Bell, as Trustee for his brother, the Petitioner, Charles Thomas Bell, during his life, and that another equal third part thereof should be held by the said Charles Thomas Bell, as Trustee for the said William Houghton Bell, during the lifetime of the said William Hough- 35 ton Bell, and that the remaining equal third part should be held by the said William Houghton Bell and Charles Thomas Bell, as Trustees to and for the use of the said Emily Ann Lee, during her life, but that such trusts should not prevent any of the said parties from managing his or her own portion of the 40 said property, or from receiving the rents and profits, or from occupying the whole or any part thereof during his or her life, provided that the same should be with the consent, in writing, of his or her Trustee or Trustees, but that no lease should be granted unless with the written consent of the Trustee or 45 Trustees, who shall have full power at any time to receive the rents and profits, for the purpose of paying them over after deducting taxes and repairs, nor was either of his said sons, or his daughter, to be prevented from devising his or her share or portion of the estate so to be set apart, either before it should 50 be so set apart or afterwards. Provided that such devise should be to his or her own child or children, or his or her brother or sister, or their child or children, but that neither of his said sons, or his said daughter, should be at liberty to encumber his or her portion of the said estate beyond a lease for 55 twenty-one years, and that no such lease should contain covenant for a renewal unless it was a covenant for a renewal at an increased ground rent; and, in the eleventh place, he provided that in case either of his said sons or his said daughter should

die without making a will, and leaving lawful issue, then, and in such case, the share of such one so dying should go and belong to the child or children of such one so having died intestate, share and share alike; and that if any one of his said children should die
 5 without lawful issue, without having made a will, as hereinbefore set forth, then the share of such child, so dying without issue, or without leaving a will, should go to the survivor or survivors of his, the Testator's, own children, share and share alike if more than one surviving, and if only one, then to that one, subject,
 10 however, to all the conditions of the said will; and, in the twelfth place, he directed that in case his said children should not be able to agree among themselves upon a division of the said property upon the said Charles Thomas Bell attaining the age of thirty years, they should each select three disinterested persons of
 15 respectability to divide the estate for them, but he directed that certain properties, which he therein specially described, should go to each of his said children, and should not, in the said general division, be taken into consideration, either as to value or otherwise, but should be treated as having been set apart
 20 and divided by the said Testator, in his lifetime, without further reference as to value or otherwise, subject, however, to all the other conditions of the said Will, except as to the said division; and, in the thirteenth place, he directed that upon the said
 25 general division taking place, then all the allowance to his said daughter, Emily Ann, should cease, unless she was then unmarried; and, in the fourteenth place, he gave his said daughter full power over her own share, notwithstanding any marriage she might afterwards contract, and he thereby made certain provisions for referring disputes between his children to arbitration, and for preventing recourse to litigation between them;
 30 and, lastly, he nominated and appointed his said wife, Catharine Bell, to be Executrix and Trustee, and John Bell, Robert Cathcart, Robert B. Miller and Edwin L. Potts to be Executors and Trustees of his said last Will and Testament.

35 That the said Thomas Bell departed this life in the year 1857 without having revoked or altered his said Will, leaving him surviving his wife the said Catharine Bell, and his children the said petitioners; That the said Catharine Bell alone proved the said Will and accepted the trusts thereof, the other Executors and Trustees having renounced probate thereof, and having
 40 also disclaimed the estate devised to them upon trust as afore-said; that the said Charles Thomas Bell is now of the age of 26 years and unmarried; that the said Emily Ann Lee was in 1859 married to the petitioner Thomas Hawkins Lee, by whom
 45 she has issue living, and that the said William Houghton Bell is also married and has issue living.

That the said Catharine Bell after having acted as Trustee and Executrix under the said Will, died intestate in the month of
 50 July, 1864, whereupon the trusteeship under the said Will became and has since continued vacant.

That the petitioner, Emily Ann Lee, in the month of November, 1864, filed her Bill of Complaint in the Court of Chancery for this Province against the other petitioners, praying among
 55 other things that the said Trust Estate might be administered; and that thereupon such proceedings were had, that by the decree of the said Court, William Thomas Mason, of the City of

Toronto, accountant, was appointed receiver of the said Estate, to collect and receive the rents and profits of the Real Estate of the testator, and to apply the moneys so to be received upon the trusts and for the purposes expressed and declared in the said Will. 5

That the said testator died seized of a large quantity of lands in various parts of this Province, of which by far the greater part being wild and uncultivated, are not only unproductive to the Estate but entail a heavy charge and expenditure for taxes and other outgoings and expenses, and that by reason of the 10 restrictions upon leasing contained in the said Will, it is impossible to let them to advantage; and that the said lands are exposed to waste and destruction, and that there are other heavy charges upon the estate of the said testator which cannot be provided for under the terms of the said Will. 15

That the petitioners are advised and believe that it will be for the benefit of the said Estate, and of all parties interested therein, if the same be vested in a Trustee, with power to sell and dispose of such parts thereof as may seem expedient, and apply and hold the proceeds upon the trusts and for the pur- 20 poses of the said Will, and to invest the same in safe and advantageous securities; and such purpose cannot be effected without Legislative sanction.

That the petitioners have agreed upon the said William Thomas Mason as a fit and proper person for such Trustee as 25 aforesaid.

And whereas the said William Houghton Bell, Charles Thomas Bell, Emily Ann Lee and Thomas Hawkins Lee have by their said petition prayed for the enactments hereinafter contained, and it is expedient to grant the prayer thereof; Therefore, Her 30 Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

All Thomas Bell's estate vested in William Thomas Mason.

1. All and singular the messuages, lands, tenements, hereditaments, terms of years, and all the Estate real and personal of or to which the said Thomas Bell died, seized or possessed, 35 or otherwise entitled, shall be, and the same hereby are vested in the said William Thomas Mason, to have and to hold the same in the like Estate as the same were had or held by the said Thomas Bell upon the trusts in the said Will declared of and concerning the same, and upon the trusts and for the interests and pur- 40 poses hereinafter expressed and contained.

Who is authorized to sell on request.

2. It shall be lawful for the said William Thomas Mason, and he is hereby empowered and authorized at any time or times hereafter, at the request and by the direction of the said William Houghton Bell, Charles Thomas Bell, Emily Ann Lee 45 and Thomas Hawkins Lee, or the survivor or survivors of them, to sell and dispose of any part or parts of such estate, either by private sale or public auction, for such price or prices as he may deem expedient, either wholly for cash, or partly for cash or partly upon credit, in which latter case the unpaid balance of 50 purchase money upon any such sale shall be secured by a mortgage upon the property forming the subject of such sale, bearing such interest, not less than 6 per cent. per annum, as

shall be agreed upon between the said William Thomas Mason and such purchaser, such mortgage to be held and such interest to be applied upon the trusts and for the purposes hereinafter declared respecting the proceeds of such parts of the said Estate
 5 as may be sold; and the said William Thomas Mason is also hereby empowered and authorized to buy in any part or parts of such Estate at any such sale by public auction, and to rescind any such private contract, and to re-sell the same without being answerable for any loss occasioned thereby; and to
 10 insert any special or other stipulation in any contract for or conditions of sale either as to title or evidence of title or otherwise, and to execute make and do all such conveyances surrenders assurances and acts as may be necessary or expedient in order to effectuate such sale or sales, or to vest a perfect title
 15 in such purchaser or purchasers, and every such conveyance, surrender and assurance shall be as valid and effectual as if the same had been executed by the said testator.

3. It shall be the duty of the said William Thomas Mason And invest the proceeds. from time to time, as soon as conveniently may be after any
 20 such sale has been effected, to invest the proceeds thereof after paying and satisfying the costs and expenses attending the same, in public securities of the Dominion of Canada or at interest upon real securities in this Province, with powers from time to time to alter, vary and transpose the said securities for
 25 and into any other of the said securities as the occasion may require.

4. It shall be lawful for the said William Thomas Mason And to lease. from time to time to grant leases of any portions of the said Estate that may remain unsold for any term not exceeding
 30 ~~years~~ years, to take effect immediately in possession and not by way of reversion or future interest, so that there be reserved in every such lease, payable during the term thereby created the best yearly rental that can be reasonably obtained for the same; provided always that in the case of wild land or lands
 35 requiring further improvements before they can be let at a reasonable money rental, it shall be lawful for the said William Thomas Mason, with the consent and upon the direction of the said William Houghton Bell, Charles Thomas Bell, Emily Ann Lee and Thomas Hawkins Lee, or the survivors or survivor of
 40 them to let and demise the same for any term not exceeding years, to any suitable person who shall covenant and agree to improve the same by building, fencing, clearing or otherwise.

5. The said William Thomas Mason shall stand possessed And stand possessed of proceeds upon trust. of the annual produce, proceeds and interest of and upon such securities as aforesaid, and the rents and profits of such parts of the Estate as remain unsold, and the whole net annual income of the said Estate after payment of all taxes, assessments, repairs and other necessary outgoings and expenses connected
 50 with the said Estate, and the management thereof and the execution of the said trusts (not including the payment of a proper commission to him as such Trustee) upon trust to apply the same as follows, that is to say: Firstly, in the payment and discharge of all costs, outlay and expenses connected with or
 44 relating to the passing of this Act; secondly, in the payment of all costs incurred in the said suit in the Court of Chancery in

the rentals to this Act referred to, and still remaining unpaid; thirdly, in making proper provision for the payment and discharge of the said mortgage so authorized by the said Court of Chancery as in the recital of this Act is set forth according to the terms of the said mortgage, and the order of the said Court so authorizing the same; fourthly, in payment of the balance of the arrears of his annuity in the said rentals mentioned to the said Emily Ann Lee in four equal annual instalments; and, lastly, to divide the net residue of the said annual produce, proceeds, interest, rents, profits and income between the said William Houghton Bell, Charles Thomas Bell, and Emily Ann Lee in equal shares; and it is declared that the separate receipt of the said Emily Ann Lee shall be a sufficient discharge to the said Trustee to any payment so made to her as aforesaid.

Upon trust.

6. The said William Thomas Mason shall stand possessed of the coupons of the proceeds of any such sale or sales, and of the said securities in which the same may be invested as hereinbefore provided, and of the principal of any mortgage that may be given by purchasers for unpaid balances of purchase moneys of any parts of the said estate (subject to the provisions hereinbefore contained for the application and distribution of the annual income and produce thereof) upon the same trusts as by the said Will are declared of and concerning the lands from the sale whereof the same arose; and the said coupons and securities shall be considered for the purpose of devolution of the same nature and character as the estate sold, and the persons who would in the ordinary devolution of the estate, if the same had not been converted from realty into personalty, have become entitled to some interest in the same as realty under the said Will of the said testator shall have the like interest therein as they would have had in the Estate sold under the authority of this Act, if no sale thereof had been made.

On his death,
&c., Chancery
may appoint
new trustee.

7. In the event of the said William Thomas Mason dying, or becoming incapable of further acting in the said trusts, or refusing to act further therein, or desiring to be discharged therefrom, or being guilty of any breach of trust or misconduct in relation to his office as such Trustee as aforesaid, it shall be lawful for the Court of Chancery of this Province upon the application of the said William Thomas Mason or of any person or persons interested in the said Will in a summary manner, by way of petition in the matter of the Estate of the said testator to nominate and appoint some fit and proper person to be Trustee of the said Estate in the place and stead of the said William Thomas Mason; and, in like manner, to appoint another in case of the death, incapacity, refusal or misconduct as aforesaid of the person so appointed, when and so often as occasion may require; and immediately upon the appointment of such new Trustee all the said trust Estate and premises shall vest in such new Trustee in like manner, and upon the same trusts as the same were held by the Trustee to whose place such new Trustee shall succeed, and every new Trustee shall have all the powers, authorities and privileges of the Trustee in whose room he shall be substituted.

Who, as well
as Mason, shall
account.

8. It shall be the duty of the said William Thomas Mason, and of any Trustee that may be appointed under this Act, to account from time to time as any of the parties interested in

the said Will may reasonably require, and at least twice a year at the end for his dealings with the said Estate, and such account may be taken by the Master of the said Court, upon the application of any such person, without any order of reference
 5 from the said Court, and the said Master shall have power to adjudicate and determine upon all matters connected with the said application including the allowance and commission to such Trustee for his care, trouble and services in what manner and by whom the costs of taking such accounts shall be borne and
 10 paid, subject, however, to appeal to the Court in respect of any such matters according to the ordinary practice of the Court.

9. Upon the said Charles Thomas Bell obtaining the age of 30 years it shall be lawful for the said William Houghton Bell, or the said Charles Thomas Bell, or the said Emily Ann Lee
 15 with the consent and concurrence of the said Thomas Hawkins Lee, to apply to the said Court of Chancery in a summary way, upon petition for leave to manage and control the one-third part of the moneys realized from any such sales as aforesaid, and of the securities in which the same may be invested; and it shall be
 20 lawful for the said Court, upon such applicant giving proper security to the satisfaction of the said Court for the protection of those interested in remainder or expectancy in the said moneys and securities, to grant such leave and to make a just division of the said moneys and securities, in case the parties
 25 differ about the same; and also to divide into three equal parts, in accordance with the directions contained in the said Will, the lands then remaining unsold and undisposed of, and thereupon the said William Thomas Mason, or the Trustee for the time being, under the authority of this Act, shall pay, deliver over,
 30 transfer and assign to each of the said parties his or her share so ascertained as aforesaid of the said moneys and securities, and each of the said parties shall be entitled thenceforth to collect and receive the produce, proceeds and annual income of the share so paid, transferred or assigned, and the rents and
 35 profits of the said portion of the unsold Estate so awarded to him or her upon such division as aforesaid.

On majority of Charles Thomas Bell, he may apply for leave to manage one-third part.

10. The said William Thomas Mason or any Trustee to be
 appointed under the authority of this Act shall be entitled from
 time to time to apply by petition in the matter of the said
 40 Estate to the said Court for advice and guidance in any question respecting the management or administration of the said trust Estate, in the manner prescribed by the Act of the Legislature of the late Province of Canada, entitled "An Act to amend the Law of Property and Trusts in Upper Canada," and
 45 shall, upon acting in accordance with such advice and guidance, be entitled to the protection afforded by the said Act; but this section shall not be construed as limiting in any manner the powers and discretion hereby conferred upon such Trustee.

Trustees may apply to Chancery for directions, etc.

11. No purchaser shall be required to see to the application
 50 of the purchase money in respect of any sale made under this Act.

Application of purchase money.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act for the relief of William H. Bell and others interested in the estate of the late Thomas Bell.

PRIVATE BILL.

First reading, Dec. 3, 1868.

Hon. Mr. CAMERON.

TORONTO.

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19
14 January 1869

No. 95.]

BILL,

[1868.

An Act to incorporate "The Hamilton Mutual Fire Insurance Society."

WHEREAS B. E. Charlton, Robert Roy, John Eastwood, Preamble.
James Craigie, George James, James Walker, John Harvey, R. N. Law, George Lee, William Brown,

owners of property in the city of Hamilton,
5 have by their petition represented that they are desirous of associating themselves together for the purpose of transacting the business of Fire Insurance on the mutual system, in the city of Hamilton aforesaid, within the range of the hydrants, under the name of "The Hamilton Mutual Fire Insurance
10 Society;" and whereas the Water Works of said city afford very great facilities for the speedy extinguishing of fires, as has been proved by experience, the destruction of property within the range of the hydrants having been very small in comparison with that of property situate elsewhere; and whereas the
15 mutual system of Fire Insurance has been found to be the most economical for insurers to adopt the profits derived therefrom, being divisible among the insurers alone; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

20 1. That B. E. Charlton, Robert Roy, John Eastwood, James Company
Craigie, George James, James Walker, John Harvey, R. N. incorporated.
Law, George Lee, William Brown,
owners of property in the said city of Hamilton, and such other persons as may hereafter become members of the said
25 Society, are hereby constituted a Mutual Fire Insurance Society, under the name and style of "The Hamilton Mutual Fire Insurance Society," for the purpose of granting insurances against loss or damage by fire upon any description of property, in the city of Hamilton, within the range of the hydrants now erected,
30 or hereafter to be erected, in connection with the Water Works of said city.

2. The Society, under the name aforesaid, may issue policies May issue policies.
of insurance against loss or damage by fire for one year, or for periods less than one year, and the premiums thereon shall be
35 paid in cash, and no policy shall be in force until the premium thereon shall have been paid; but such policies may be renewed from time to time at the discretion of the Board of Directors by renewal receipts, on the holders of such policies paying the premiums required to renew the same; and all policies shall
40 cease to be in force as soon as the periods for which they may have been respectively issued or renewed, in manner aforesaid, shall have expired.

- Application of premiums.** **3.** The premiums so received shall be applied in payment of the proportion of the outlay of the Company which the insured, who will have paid the same, will have incurred during the periods over which their respective policies may have extended, and should any surplus remain over and above what may have been so incurred, the same may be either returned to, or held at interest, not to exceed seven per centum per annum, for the benefit of those *pro rata* from whom it may have been received; or the Directors may create out of said surplus a reserve fund to meet any deficiency that may arise from the outlay of said Company during any year exceeding its receipts. 5 10
- Policy to be signed and countersigned.** **4.** No policy or renewal receipt shall be binding on said Society, unless signed by the President or Vice-President, and countersigned by the Secretary thereof. 15
- Management.** **5.** The management of said Society shall be under the control of a Board of Directors, which shall consist of a President, Vice-President, and five other Directors, three of whom shall constitute a quorum for the despatch of business.
- First election of Directors.** **6.** The first Board of Directors shall be elected within one month after the passing of this Act, at a general meeting of the parties who have subscribed their names in the subscription book of the Society, of which meeting, its time and place, each party so having subscribed his name, shall be notified by post at least three days before the day of such meeting. 20 25
- Future elections.** **7.** The said Board of Directors shall continue in office until the second Monday in January, which will be in the year of our Lord eighteen hundred and sixty-nine, when there shall be a meeting of the members of said Society for the election of a Board of Directors, for the reception of the report of the proceedings of the Board of Directors then retiring, for the disposal of the surplus, if any, or for making provision for the deficiency, if any, and for any other purpose that may be requisite for the well-being of the Society. 30
- Annual meeting.** **8.** The annual meeting of the members of said Society, for the above recited purpose, shall be held on the second day of January in each year after the passing of this Act. 35
- Election by ballot.** **9.** The election of the Board of Directors shall be by ballot from among the members of said Society, and members alone shall be entitled to vote at any annual or other meetings, and each insurer in said Society shall be deemed a member of it. 40
- Votes.** **10.** An insurer of from \$400 to \$800 shall be entitled to one vote; of over \$800 to \$2000, to two votes; and over \$2000, to three votes at any annual or other meeting of members.
- Special meetings.** **11.** Special meetings of members may be called on the written requisition of any twenty members to the Board of Directors to call the same, and such Board shall be bound to call such special meetings, on such requisition being presented to them within twenty-one days thereafter. 45
- May raise money temporarily.** **12.** For the purpose of providing against any such contingency, as the outlay of the Society exceeding its receipts during 50

any year, the members of said Society are hereby empowered to raise among themselves such a sum of money as may be deemed ample for the purpose, to pay interest thereon to the members contributing thereto, at a rate not exceeding seven per centum per annum, and to repay such sum of money out of the surplus from premiums, whenever there shall be a sufficient surplus for that purpose.

13. The said Society may, by, and in its corporate name, purchase, have and hold any estate, real, personal or mixed, to and for the use of the Society, and may, from time to time, let, convey, and otherwise depart therewith on account of, and for the benefit of the Society.

May hold limited real estate.

14. No agent, paid officer or employee of the said Society, shall be eligible to be elected a Director, or be allowed to hold proxies, or to interfere in the election of Directors of the Society.

No paid officer to be a Director, or hold proxies.

15. The election of Directors shall be held and made by such members of the Society as attend for that purpose, in their own proper persons or by proxy, all of which proxies shall bear date at least one month before the election at which they are used, and be filed with the Secretary of the Society at least thirty days before such election.

Election of Directors.

16. If any vacancies happen among the Directors during the current year of their appointment by death, resignation or removal from the City of Hamilton, such vacancies shall be filled up for the remainder of the year, by a person or persons duly qualified, to be nominated by a majority of the remaining Directors, and as soon as may be after the vacancy occurs.

Filling vacancy in board.

17. In case an election of Directors be not made on the day on which it ought to have been made, the Corporation shall not for that cause be dissolved, but the election may be held on any subsequent day, within ten months from the day appointed for holding the annual election, according to the provisions of by-laws and ordinances of the Corporation.

If election not on the day.

18. Every Treasurer and Secretary to the said Society shall, before he enters upon the duties of his office, give a bond to the Society in the sum of _____ dollars, with two sufficient securities in _____ dollars each, to the satisfaction of the Board of Directors, conditioned for the faithful discharge of the duties of the office of such Treasurer and Secretary, agreeable to the provisions of this Act, and of the by-laws, rules and regulations of the Society made pursuant thereto.

Treasurer and Secretary to give security.

19. The Board of Directors, for the time being, shall superintend, and have the management of the funds and property of, and of all matters relating to, and not otherwise provided for by the Society.

The Directors to have management.

20. The Board may from time to time

1. Appoint a Secretary, Treasurer, and such other officers, agents and assistants, as to them seem necessary.

And appoint Officers, &c.

2. Prescribe their duties.
3. Fix their compensation or allowances.
4. Take such security from them as they deem necessary, or as may be required by this Act, for the faithful performance of their respective duties; and 5
5. Remove them at pleasure, and appoint others instead.
6. Determine the rates of insurance, and the sum to be insured on any building.
7. Direct the making and issuing of all policies of insurance.
8. Provide books and stationery, and other things needful for the office of the Society, and for carrying on the affairs thereof. 10
9. Draw upon the Treasurer, for the payment of all losses by, and for expenses incurred in transacting the concerns of the Society. 15
10. Hold their meetings monthly, and oftener, if necessary, for transacting the business of the Society, and
11. Shall keep a record of their proceedings.
21. The Directors of the said Society may

And invest funds.

1. Invest the funds of the Society in mortgages on real estate, bank stock, shares in building societies, and such other securities as the Directors deem profitable and safe.

And make by-laws.

22. The Board of Directors may from time to time make and subscribe such by-laws, ordinances, rules and regulations, as to them appear needful and proper respecting the funds and property of the Society, the duty of the officers, agents and assistants thereof, the effectual carrying out the objects contemplated by this Act, and all such other matters as appertain to the business of the Society, and are not contrary to the laws of the Province of Ontario, and may from time to time alter and amend the same, except in cases with regard to which it is provided that any such by-law shall not be repealed, or where such repeal would affect the rights of others than members of the Society, in any of which cases such by-laws shall not be repealable. 35

A quorum.

23. Three Directors shall constitute a quorum for the transaction of business, and the decision of a majority of the quorum present at any sitting of the Board, shall be binding and conclusive on the Board.

Casting vote.

24. In case of an equality of votes at any such sitting of the Board, the President shall have a casting vote. 40

May create a reserve fund.

25. Should the Directors deem it advisable to create a reserve fund out of the surplus premiums received, they shall grant to each contributor to said reserve fund, scrip bearing

interest at a rate not to exceed seven per centum per annum for the amount so contributed by him, said scrip to become payable whenever said reserve fund shall have amounted to \$ ~~100,000~~, and the earliest scrip shall be paid first.

- 5 **26.** This Society may make and effect contracts of insurance, Insurance and
for the purpose of re-insurance, with any other Insurance Com- re-insurance.
pany incorporated by or under any statute of this Province, or
of the Imperial Parliament, or any Foreign Fire Insurance
Company, legally authorized to do business in this Province
10 against loss or damage by fire on any houses, stores or other
buildings, and in like manner on household goods and mer-
chandise.

- 27.** No action or suit, either at law or in equity, shall be Actions on
brought against this Society upon any policy or contract of policies to be
15 insurance already granted or entered into, or that may be here- in one year.
after granted or entered into by this Society, after the lapse of
one year next after the happening of the loss or damage in
respect of which such action or suit is brought.

- 28.** Whenever any member, having an insurance on goods or Removal of
20 other personal property, shall remove the same to another insured pro-
building, the policy shall be void; but he may have such in- perty] vacates
surance continued on said property by application to the Secre- policy.
tary, and paying an additional premium for the increased risk,
provided the Company accede thereto.

- 25 **29.** Property must be insured in the names of all the owners, Insurance to
and the application must state the interest of each owner, ex- be in owner's
cept in the case of property held in trust or on commission, name.
which must always be insured as such, otherwise the policy
will not cover such property; and in case of loss, the names of
30 the respective owners shall be set forth in the preliminary
proofs of such loss, together with their respective interests
therein.

Goods on storage must be specifically insured.

- 30.** In case of loss or damage by fire happening to any mem- Notice of loss.
35 ber upon any building or other property insured in the Company,
such member shall give notice thereof, in writing, to the Secre-
tary of the Company within thirty days after such loss has
happened, and within such period furnish a detailed account, on
oath, of all damage done, and declare, on oath, whether any and
40 what other insurance has been made on the same property;
what was the whole value of the subject insured; what his in-
terest was therein; who the occupants of such building were;
and when and how the fire originated, so far as he knows or
believes; and procure a certificate under the hand of a Magis-
45 trate or Notary Public (most contiguous to the place of the fire,
and not concerned in the loss, or related to the insured or suf-
ferers), that he is acquainted with the character of the person
insured, and has made diligent enquiry into the statements
made in the declarations of the said insured, and verily believes
50 that the loss has happened by misfortune, and without any
fraud or evil practice on the part of the insured; and unless
such proofs, declarations and certificates are produced within
such period, the loss shall not be deemed payable; also, if there

appear any fraud, or false swearing, the insured shall forfeit all claims under this policy; it shall be optional with the Company to replace the articles lost or damaged with others of the same kind and equal goodness, and to rebuild or repair the buildings within a reasonable time, giving notice of their intention to do so within thirty days after the preliminary proofs shall have been received at the office of the Company; should any building or other property insured be over-valued, this Company shall be liable only for such proportion of the actual value as the amount insured bears to the estimated value given in the application. 5 10

Noting other insurances.

31. Insurance subsisting or effected with other Companies must be notified to the Board, and if approved of, be endorsed on the policy and signed by the Secretary.

As to title aforesaid.

32. If the insured does not possess an unincumbered title in fee simple to the building or buildings within insured, and to the land covered by the same, the policy shall be voidable at the option or in the discretion of the Directors, unless his true title and incumbrance on the premises be expressed therein, and in the application for insurance. 15 20

Policies may be cancelled.

33. The Society shall be at liberty to cancel any policy by giving to the insured, three days' notice to the effect that they will cancel the same by letter, signed by the Secretary of the Society, and addressed and sent by mail to the supposed post office address of the insured, or by giving to the insured personally one day's notice in writing, signed by such Secretary or to such effect; but in the event of cancelling the policy, this Society shall return to the policy holder the unearned portion of the premium received by this Society. 25

Consent required to assignment.

34. The interest of the insured in any policy, shall not be assignable without the consent of said Society in writing: every insurance shall at all times and under all circumstances, be subject to the conditions of insurance and to the by-laws of the said Society. 30

BILL.

An Act to Incorporate the Hamilton Mutual Fire Insurance Company.

PRIVATE BILL.

First reading: Dec. 3, 1868

Mr. C. CLAR

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

1st Reading 3 December 1868
59
14 January 1869

No. 96.] **BILL.** [1868.

An Act to amend the Act of the late Province of Canada, 25 Vic., Cap. 72, by declaring the intention of the same, and confirming conveyances made by the Trust and Loan Company thereunder.

WHEREAS by an Act of the Parliament of the late Province of Canada, passed in the twenty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-two, entitled "An Act for facilitating the conveyance by the Trust and Loan Company of Upper Canada, of lands in the Province of Canada, by and through their Commissioners or Attorneys;" after reciting, as is recited in the preamble of the said Act, provision was made for giving publicity to and perpetuating the evidence of the appointments, from time to time made, of the persons authorized to conduct the affairs of the said Company in Canada, and to execute deeds and other documents, and perform other acts on behalf of the said Company, and for facilitating the conveyance, transfer, release and acquittance of real estate and other property by the said Company, through the said persons; And whereas the said Company did, from time to time, appoint two Commissioners or Attorneys, whom and each of whom the said Company, by Commission or Power of Attorney, made, registered and advertised in compliance with the provisions of the said Act, empowered, jointly and severally, to conduct the business of the said Company in Canada; And whereas from the death of one of such Commissioners, it has happened that at times there was only one Commissioner or Attorney authorized or empowered by the said Company to conduct their business as aforesaid; And whereas it was the intention of the said Act to authorize the said Company to appoint either one or more Commissioner or Commissioners, Attorney or Attorneys, for the purposes therein mentioned; and in case of the appointment of more than one, to empower each severally to do and execute, on behalf of the said Company, all and every of the matters and things in any such Commission or Power of Attorney expressed, and to execute, under his private seal, valid conveyances and releases of real estate and other property of the said Company; and many such conveyances and releases have been so executed by a single Commissioner, so appointed as aforesaid; And whereas doubts have arisen whether such intention sufficiently appears in said Act, and it is expedient that such doubts should be removed, and that the meaning of the said Act should be declared, and that all conveyances and releases heretofore made and executed in manner aforesaid, by a single Commissioner, should be confirmed; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Authority to
appoint Com-
missioners.

1. It is hereby declared, that by the said Act the said Com-
pany were and are authorized and empowered to appoint one
or more Commissioner or Commissioners, and by any Commis-
sion or Power of Attorney, under the corporate seal of the said
Company, registered and advertised pursuant to the provisions
of the said Act, to give to such Commissioner or Commissioners,
and to each of them, jointly and severally, and to the survivor
of them, in case of the appointment of more than one, full
power and authority to conduct the affairs of the said Com-
pany in Canada, and to execute, in manner in the said Act 10
provided, any and all conveyances and releases as afore-
said; and that all such conveyances and releases heretofore so
executed by a single Commissioner were, and the same are
declared to have been, and all such releases and conveyances
hereafter so executed, shall be deemed to be properly executed, 15
and valid, and effectual, to all intents and purposes, and to as
full an extent as if the same had been executed by the said
Company under their corporate seal, and no further or other
evidence of the sufficiency of such execution, or of the power
or authority of the person or persons executing the same, shall 20
be required for any purpose, or by any court or person, than is
required by the said Act; nor shall the said Company, or any
such Commissioner or Commissioners, be bound to furnish or
produce to any purchaser, or person dealing with the said
Company, any certified or other copy of any such Commission 25
or Power of Attorney as aforesaid.

Former pro-
visions about
registration
made applica-
ble.

2. The provisions for registration contained in the second
section of the said Act shall be held to have applied, and to
apply, to any deed, conveyance, memorial, or other instrument,
executed or to be executed, under such Commission or Power 30
of Attorney, whether the same shall have been or shall be exe-
cuted by one or more Commissioner or Commissioners.

Forms of form-
er conveyances
permissive.

3. The use of the forms of conveyances in the Schedule A 35
to the said Act annexed, is declared to have been merely per-
missive and not obligatory, and all conveyances, assurances
and releases heretofore made, or which shall be made according
to any form which would be effectual for the purpose between
persons *sui juris*, shall be deemed to have been and to be
effectual to vest the subjects thereof according to the intent
thereof. 40

Time for pay-
ment of ex-
penses, &c.

4. It shall be lawful for the said Company, instead of re-
quiring from any borrower the payment of the expenses inci-
dental to any loan at the time the loan is advanced, to give
such time for payment of the same as they may be advised,
and to add the same to the principal or interest secured by any 45
mortgage or other security securing the loan.

BILL.

An Act to amend the Act of the late Province
of Canada, 25 Vic., Cap. 72, by declaring
the intentions of the same, and confirming
conveyances made by the Trust and Loan
Company thereunder.

PRIVATE BILL.

First reading, Dec. 3, 1868.

Mr. BLAKE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

Reading 2 December 1868
11 9
14 January 1869

No. 97.] **BILL.** [1868.

An Act to amend the Act intituled "An Act to Incorporate Huron College (26 Victoria, Chapter 31.)"

WHEREAS Huron College have, by their petition, represented that in the constitution adopted by the College, reference is made to the endowment, by the Reverend Alfred Peache, of a Chair in the College, to be called the Peache Chair, and which is therein expressed, to be thereby accepted upon the conditions in a certain indenture contained;

And that through a misconception of the conditions of said endowment, certain provisions, at variance therewith, were admitted into the constitution of the College;

10 And that in the Act incorporating the College, passed subsequently to the adoption of the constitution of the College, reference being had to the constitution, it could not thereafter be altered but by Act of Parliament;

And that it is desirable that the constitution of the College
15 should be amended, so as to reconcile its terms to those of the said endowment;

And whereas it is expedient to grant the prayer of the petitioners; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:
20

1. That 26 Victoria, chapter 31, intituled "An Act to Incorporate Huron College," be, and the same is hereby amended by adding thereto the following clauses, which shall be taken and read as part and parcel of the said Act.

25 The constitution of Huron College is hereby amended as follows: In section seventeen of the constitution, to the parenthesis containing these words, "after the first appointments, which are to be made as provided hereafter," add, "and also subject to the provisions of these presents, and of the said indenture bearing even date herewith," and let section twenty
30 read as follows: "The provision in the recital hereof mentioned, proposed to be made by the Reverend Alfred Peache, for the endowment of a Chair of Divinity, to be called the Peache Chair, is hereby accepted, and the party, for the time being,
35 filling that chair, is the person in these presents designated the Professor of Divinity."

And from section twenty-four of the constitution, strike out

the word "also," so that the passage shall stand "control of a Principal, who shall be the Professor of Divinity;" also strike out the following passage: "Provided always, that if at any future time, it shall for any reason be deemed advisable by the governing body of the Institution, to sever the Professorship of Divinity, and that of the Peache Chair from the Principalship, it shall be competent for the governing body to do so." 5

And from section twenty-eight, strike out the words "also the," so as to leave the commencement of the paragraph to stand "The Principal and Divinity Professor." 10

2. That this Act be deemed a Public Act.

No. 97.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend the Act intituled "An Act to Incorporate Huron College (26th Victoria, Chapter 31.)"

PRIVATE BILL.

First Reading, Dec. 3, 1868.

Hon. Mr. CARLING.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1-2
3
Reading 2 December 1868
10
14 January 1869

No. 98.]

BILL.

[1868.

An Act to Incorporate the Hellmuth Ladies' College

WHEREAS it has been represented to the Legislature of this Province, that the very Reverend Isaac Hellmuth, D. D., Dean of Huron, Adam Crooks of the city of Toronto, Esquire, and Major Richard John Erans of the city of London, late of Her Majesty's 16th Regiment of Foot, are engaged in erecting and establishing a School in the vicinity of the city of London, for the education of young ladies: and, whereas it would tend greatly to perpetuate and extend the usefulness of the said School, and promote the purposes for which it is being established, that it should be Incorporated; therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. There shall be, and there is hereby constituted and established, in the vicinity of the city of London, Ontario, a body politic and corporate under the name of the "Hellmuth Ladies' College," which corporation shall consist of the said very Reverend Isaac Hellmuth, Adam Crooks and Richard John Evans, with such other and additional persons as from to time may become associated with them, or by the constitution of the said Corporation may become members thereof, and the said persons shall be the Trustees of the Corporation, and shall have the control management and government thereof; and shall also have power to make rules and regulations not contrary to law or the Provisions of this Act for the government and management of the said Corporation, and the affairs and property thereof, as well as relating to the said Trustees in the execution of their duties, and all Acts and doings of a majority of the said Trustees shall be of the same force and effect as if all of them had joined in such acts or doings.

2. Such Corporation shall have power at all times hereafter to purchase, acquire, hold, possess, and enjoy such lands and tenements as may be necessary for the actual use and occupation of the said Corporation, and the same to sell, alienate and dispose of and others in their stead to purchase and acquire and hold for the use and purpose aforesaid: Provided always that the annual value of the real estate held by it at any one time, shall not exceed the sum of five thousand dollars current money of this Province.

3. In case of any vacancy or vacancies occurring on the number of the said Trustees, by death, resignation or otherwise, such vacancy or vacancies shall and may be filled up in such manner as may be provided in the rules and regulations of the said Corporation.

4

4. The said Corporation shall, at all times when thereunto required by the Governor or by either Branch of the Legislature, make a full return of its property, real or personal, and of its receipts and expenditure for such period and with such details and other information as the Governor or either Branch of the 5 Legislature may require.

5. Any proprietor or holder of any share or interest in the capital of the said Corporation, is hereby declared to be free from any individual or personal liability beyond the unpaid amount of any share or shares held by him in respect of the 10 debts, engagements or obligations of said Corporation.

No. 98.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to Incorporate the Helmutth Ladies' College.

PRIVATE BILL.

First reading, Dec. 3rd, 1868.

HON. MR. CARLING.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

Reading 2nd Edition 1868
19
13 January 1869

No. 99.] **BILL.** [1868.

An Act to Incorporate the Synod of the Diocese of Toronto, and to unite the Church Society of the Diocese of Toronto therewith.

WHEREAS the Synod of the United Church of England and Ireland, of the Diocese of Toronto, have petitioned for an Act for the Incorporation of the said Synod, and for an union with the Church Society of the said Diocese, and the
5 said Church Society have also petitioned for the same, and it will also greatly facilitate the objects for which the said Synod and Church Society were established, to grant the prayer of the said petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Pro-
10 vince of Ontario, enacts as follows:—

1. That the Synod of the United Church of England and Ireland, of the Diocese of Toronto, shall be, and the same is hereby incorporated by the name of "The Incorporated Synod of the Diocese of Toronto."
- 15 2. That the said Synod shall consist of the Bishop of the said Diocese, who shall be the head of the Synod, and any Suffragan or Coadjutor Bishop thereof, the Priests and Deacons of the same, licensed by the Bishop or Suffragan, and of lay representatives, to be elected according to the constitution of the
20 said Synod, as the same exists at the time of the passing of this Act, or as it may from time to time be altered by the said Synod after the passing of this Act.
3. The Church Society of the Diocese of Toronto shall be and is hereby united to, and incorporated with, the said Synod
25 of the Diocese of Toronto, and shall be known as, and called hereafter, "The Incorporated Synod of the Diocese of Toronto."
4. All the property, of what nature or kind soever, now held by or vested in the said Church Society, shall be and is hereby declared to be vested in the Synod of the Diocese of Toronto,
30 without any conveyance thereof by the said Church Society to the said Synod, and the name of the said Synod shall stand and be and is in the place of the name of the said Church Society in all deeds and other writings relating to the property and affairs of the said Church Society, and in all suits and
35 proceedings, either at law or equity, by or against the said Church Society.
5. That the said Synod shall be subject to all the liabilities of the said Church Society, and shall hold all property vested in trust in the said Society, upon the same trusts as such pro-

erty was heretofore held by the said Society, and shall administer the same according to such trusts.

6. That the said Synod shall have all the powers, rights, privileges and franchises conferred upon the said Synod under the Act passed in the session held in the 19th and 20th years 5 of Her Majesty's reign, intituled "An Act to enable the Members of the United Church of England and Ireland to meet in Synod," as well as those conferred upon the Church Society by the several Acts of the Legislature of the Province relating to the said Church Society. 10

7. That the said Synod shall have full power and authority to make such canons, rules, regulations and by-laws, as by the said Synod may be considered necessary in the exercise of the powers conferred upon the said Synod, under the said Acts in the next preceding clause mentioned, and also for the conduct 15 of their proceedings, regulation of their members, and all such other matters as may pertain to the proper and orderly discharge of their business.

8. That the said Synod may exercise all its powers by and through such boards or committees as the said Synod may 20 from time to time appoint by by-law or by-laws for the management of all or any of the affairs or property of the said Synod, but in accordance only with the trusts relating to any property to which any special trust is attached.

9. That the said Synod may appoint or remove all such 25 officers as may be found necessary for the management of the affairs and business of the said Synod, and provide for their remuneration.

10. That until other provision is made under this Act by the Synod, all the property and funds of the said Church 30 Society shall continue to be managed by the Committee and Officers of the said Church Society, and under the By-laws thereof, but subject to the supervision and control of the Synod, to whom all reports respecting the same shall be made.

BILL.

An Act to Incorporate the Synod of
Diocese of Toronto, and to unite
Church Society of the Diocese of Toron
therewith.

PRIVATE BILL.

First reading, Dec. 3, 1868.

Mr. CUMBERLAND

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

1- "Kinkip 3 Kinkip 1000
2 " 10
Dropped 23 January 1869

No. 100.] **BILL.** [1868.

An Act to establish Municipal Institutions in the District of Algoma.

- W**HEREAS it is expedient and necessary to grant to the Preamble.
inhabitants of the District of Algoma the privileges now
enjoyed by the remainder of the Province of Ontario, by the
establishment of Municipal Institutions in such portions of the
5 said District as are warranted by the population. And, whereas
it is advisable that the said District, wherever there are set-
tlements of any great extent, should be divided into Inde-
pendent Municipalities, having all the necessary powers for local
taxation, for self-government, and the improvement of the said
10 Municipalities; Therefore, Her Majesty, by and with the advice
and consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:
1. It shall be lawful for the inhabitants of the District of Municipalities
Algoma, wherever there is a settlement of a population of not may be orga-
15 less than hundred persons, to organize themselves into a nized.
Municipality.
2. The said Municipality shall extend over and contain an Area of Muni-
area of not less than thousand, nor more than thou- cipality.
sand acres of land.
- 10 3. In order to constitute and establish a Municipality, as District Judge
above provided, it shall be lawful for the Judge of the District upon petition,
of Algoma, upon the receipt of a petition, signed by not less to call public
than in any settlement, in the said District, to call a meeting to
meeting by public notice, of said inhabitants, to consider the form Muni-
25 expediency of erecting a Municipality, at which meeting the cipality.
extent and boundary of said proposed Municipality shall be de-
fined, and a name selected for the same.
4. Before the said Judge shall call said meeting, it shall be Petitioners to
the duty of those petitioning for said Municipality, to deposit deposit
30 with him a sum sufficient to meet the expense of said Meeting, amount to
as also of the election to be held as hereafter provided. meet expenses.
5. The said Judge shall name some fit and competent person Judge to ap-
to preside at said Meeting, who shall forthwith report the result point Chair-
of the same to said Judge. man.
- 35 6. Upon receiving the report of said meeting, the Judge shall Judge to pro-
fix a time and place for holding the first election, in said pro- vide for first
posed Municipality, and shall in the notice providing for said election.
election, define the extent and boundaries of said proposed Mu-
nicipality, and also name the Returning Officer who shall pre-
40 side at said election.

- First election, how conducted. Who to vote.** **7.** The said election shall be conducted in the same manner as is provided for Municipal elections in Ontario, and the persons qualified to vote at said election shall be the male British subjects of the full age of twenty-one years and being householders. 5
- Five Councillors to be elected.** **8.** At said election there shall be elected five Councillors, with the same qualification as Voters.
- Declaration.** **9.** After the said election the said Returning Officer shall return to the said Judge the result of the same, and the said Judge shall, as soon as may be convenient thereafter, by public notice, declare the names of the persons so elected, who shall forthwith enter upon the duties of their office; and the said Municipality shall from thenceforth be known as the "Corporation of the Municipality of _____," and the said Councillors shall hold and continue in office until their successors are elected, as hereinafter provided. 10
- Name of Municipality.**
- First meeting of Council. Appointment of Chairman.** **10.** The said Councillors shall, at their first meeting, which shall be fixed by the said Judge, before entering upon their duties, elect one of their number as Chairman; and the said Returning Officer shall preside at the first meeting. 20
- Appointment of Clerk, Treasurer, and Collector.** **11.** The said Councillors shall, at their first meeting, or as early as possible thereafter, appoint a Clerk, Treasurer and Collector, who shall hold office until removed or dismissed by said Councillors; and the said Councillors shall also fix the remuneration to be paid said officers, by by-law to be passed 25 for that purpose.
- Appointment of Assessors. Assessment rolls.** **12.** The said Council shall, as early as convenient after their first meeting, appoint one or more Assessors, who shall enter upon a roll to be provided for that purpose the names of all the freeholders and householders in said Municipality, and the amount of all the real and personal property owned by them respectively, and the actual value thereof, and at the same time entering on said roll whether the owners are resident or not; and the said Assessor or Assessors shall duly notify the person or persons so assessed by leaving a notice at his or her place of abode, or if a non-resident, by leaving the same at the nearest Post Office, stating in such notice the particulars of said assessment 35
- Rolls to be returned to Clerk.** **13.** The said roll shall be returned to the Clerk of the Municipality within such time as shall be provided for by a by-law to be passed by said Council. 40
- Appeal against assessment.** **14.** The person or persons so assessed, if he shall complain of his assessment, shall, within one month after the time fixed for returning said roll, notify, in writing, the Clerk of his grounds of complaint. 45
- Council to hear and determine appeals.** **15.** The said Council shall, within two months after the time fixed for returning the roll, appoint a time and place for hearing said complaints, and shall, after hearing the parties complaining as well as the assessor or assessors, and such evidence as may be adduced, alter or amend the roll accordingly, 50 and such decision shall be considered as final.

16. The said roll, so finally revised, shall be taken and held as the roll of the Municipality, for all purposes, until a new roll shall have been made and returned as hereinafter provided. Roll of the Municipality:

17. The said Council shall, by by-law, fix the time for making the assessment in the Municipality at periods of not less than one, nor more than three years; Provided always, that the year for the purposes of this Act, shall be considered as commencing on the first day of July in each and every year. Council to fix time for making assessment.

18. The Council may, in each and every year after the final revision of the roll, pass a by-law for levying a rate on all the real and personal property on said roll, of not more than two cents on the dollar, to provide for all the necessary expenses of said Municipality, and also such sum or sums as may be found expedient for the purposes mentioned in the next section of this Act. Council to levy rates.

19. The said Council shall have power to pass by-laws for such purposes as are provided for, regarding Townships under the Municipal Institutions Acts of Ontario. Council to pass certain other by-laws.

20. The said Council shall, by by-law, fix the time for the Collector making his return, and the said Collector shall have the same powers as are conferred on Collectors by the said Municipal Institutions Acts of Ontario. The Collector, his returns and powers.

21. The second election of Councillors shall take place on the first Monday in July in the second year after the first election, and every subsequent election on the first day of July in each and every year thereafter; and the said Council shall, by by-law, fix the place for holding the said election, and shall, also name the Returning Officer to preside at said election, and the said election shall be conducted in the same manner as is provided for Township elections in Ontario. Second elections of Councillors.

22. The person qualified to vote at every election after the first, shall be the resident male freeholders and house holders of said Municipality whose names appear in the last revised Assessment Roll, of the full age of twenty-one years, and naturalized, or natural born subjects of Her Majesty, and the said Roll shall be taken to be final and conclusive, so far as the qualification of electors is concerned. Who qualified to vote.

23. The persons qualified to be elected as Councillors in said Municipality after said first election, shall, in addition to the qualification required for voters, be assessed in the said Assessment Roll, for at least two hundred dollars freehold, or four hundred dollars leasehold. Qualification of Councillors.

24. If any dispute shall arise as to the said election, or the mode of conducting the same, it shall be the duty of the said Judge to decide the same, and the same proceedings shall be taken as are provided in the Municipal Institutions Acts of Ontario. Judge to decide disputes as to elections.

25. If any dispute shall at any time arise as to the validity of any by-law, or resolution, or order of the Municipality, the same shall be referred to the Judge of the District, whose Judge to decide disputes as to validity of by-laws, &c.

decision thereon shall be final, and the said Judge shall have the power of enforcing his decision, if necessary, by a writ or writs under his hand and seal, to be directed to the Sheriff of the said District, adapted to the purposes intended.

Vacancy in
Council, how
filled.

26. In case the seat of any member of the Council shall become vacant by death, resignation, or a continued absence from meetings of the Council, for a period of six months, it shall be the duty of the Council to direct a new election to be held, for the purpose of supplying such vacancy. 5

Chairman to
preside.

27. The Chairman of the said Council shall preside at all meetings thereof, and in the event of his absence, the Council shall choose from among their number, a person to preside, and in such case, the said person so presiding, shall have all the powers and exercise all the functions appertaining to the Chairman. 10 15

Councillors to
be Justices of
the Peace.

28. The Councillors of the Municipality shall be *ex-officio* Justices of the Peace, and shall have the like powers as are exercised by Justices of the Peace in the Province of Ontario.

Council to reg-
ulate tavern
licenses.

29. The Council shall have the power to pass by-laws regulating and limiting the number of licenses for the sale of intoxicating liquors, for appointing an Inspector, and for enforcing their said by-laws and regulations. 20

Council to es-
tablish a lock-
up.

30. The said Council may establish and maintain a lock-up house, within the Municipality, and may establish and provide for the salary or fees to be paid the Constable to be placed in charge of such lock-up house; Provided, always, that the appointment of said Constable shall be ratified by the Judge of the said District; and the said Council shall have power to remove or suspend such Constable for neglect of duty or other misconduct. 25 30

Council to ap-
point Constables.

31. The said Council shall have the power to appoint one or more Constables, within the Municipality, whose duty it shall be to enforce and maintain law and order, and who shall perform all duties appertaining to Constables in Ontario; and the said Council shall have the power, from time to time, to remove the same, for any misconduct in their office, and shall also regulate the fees to be paid said Constables; Provided, always, that such appointment, and tariff of fees, shall be subject to the approval and ratification of the Judge of the said District. 35 40

Certain sec-
tions of 29 &
30 V. c. 51 to
apply.

32. In addition to the powers conferred upon said Municipality by this Act, the following sections, with their sub-sections, of the Municipal Institutions Act of Ontario, chapter fifty-one, of the twenty-ninth and thirtieth Victoria, shall be applicable to the said Municipality, so far as they can be adapted to the same, viz: 45

"Sections one hundred and fifty-two, one hundred and sixty-one, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty-one, one 50

hundred and eighty-two, one hundred and eighty-three, one hundred and eighty-four, one hundred and eighty-seven, one hundred and eighty-eight, one hundred and ninety-three, one hundred and ninety-four, two hundred and seven, two hundred and eight, two hundred and nine, two hundred and ten, two hundred and eleven, two hundred and eighteen, two hundred and forty-six, two hundred and sixty-nine, three hundred and thirty-eight, three hundred and thirty-nine, three hundred and fifty-four, four hundred and twenty."

- 10 **33.** It shall be the duty of the Sheriff of the District of Algoma, within six months after the passing of this Act, to cause a list to be taken of all the freeholders and householders in the said District, and file the same in the office of the Clerk of the Peace, subject to such rules and regulations as may be
 15 provided and made by the Lieutenant-Governor in Council.

- 34.** The persons entitled to vote at the Parliamentary Elections for the Province of Ontario, shall be the resident householders of said District and the freeholders, whether resident or not, whose names shall have been duly entered upon the
 20 lists taken by the said Sheriff and filed in the office of the Clerk of the Peace, except the Indians belonging to tribes, and Indians in receipt of Government aid or bounty.

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to establish Municipal Institutions
in the District of Algoma.

1st Reading, Dec. 3rd, 1868.

MR. CUMBERLAND.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

1 - Reading 5 December 1888
2 " 19 "
3 " 9 January 1889

No. 101.]

BILL.

[1868.

An Act to Relieve the Trustees of the Hon. John Elmsley, late of Toronto, from the Trusts in a certain Indenture mentioned, and to vest the property therein mentioned in Charlotte Elmsley.

WHEREAS by an indenture bearing date the fourteenth day of January, A. D. 1851, made between John Emsley, of the city of Toronto, in the Province of Canada, Esquire, of the first part; Charlotte Elmsley, wife of the said John Elmsley, of the second part, and George Sherwood of the town of Brockville in the district of Johnston, Esquire; John Crawford, of the said city of Toronto, Esquire; William Brown Phipps, of said city of Toronto, Esquire, of the third part; the said party of the first part did, for the consideration therein mentioned, bargain, sell, and confirm to the said parties of the second part certain lands and premises therein also mentioned and described, to have and to hold unto the said parties thereto of the third part, the said lands, and premises to the uses and open trust.

To pay the yearly rents, issues, and profits of the same into the hands of Charlotte Elmsley, his wife, during the term of her natural life, to her separate uses and free from the control and debts of her husband.

After her death upon such trusts and for such uses as said Charlotte Elmsley, notwithstanding her coverture shall by deed or will direct and appoint.

In case of no such appointment or will, then upon trust to pay such rents, etc., for the support and maintenance of such of the children of said Charlotte Elmsley, by said John Elmsley, as may survive their mother, the issue of any such child or children to take the parent's share.

Trust to sell or exchange, trust property for money or an equivalent in land, or bank-stocks as the Trustees, or any two of them shall think reasonable, with the consent of said Charlotte Elmsley, during her lifetime.

As soon as the youngest of the children of said Charlotte Elmsley, by said John Elmsley, shall attain the age of twenty-one years, said Charlotte Elmsley being dead, or if she shall then be alive, immediately after her decease, upon trust, to divide the trust estate equally among the children, the issue of any such children dying before the division be made, to take the share to which such child would have been entitled. In case of death of all children, without lawful issue before the youngest child shall have attained the age of twenty-one years, then the whole

of the said Trust Estate to be conveyed and transferred to the benefit of the Roman Catholic Episcopal Corporation of the diocese of Toronto, in Canada, to have and to hold the same to the said Corporation forever, and to be disposed of and used as said Corporation shall think fit.

5

And whereas the said Trustees entered upon the trusts, and have, from time to time, with the consent of the said Charlotte Elmsley, sold and conveyed a portion of the lands under the said Indenture mentioned.

And whereas the said John Elmsley, on or about the eight 10 day of May, A. D. 1863, departed this life, leaving the said Charlotte Elmsley his sole devisee.

And whereas the said Trustees are desirous of being relieved from the burden of the said Trust, and Charlotte Elmsley, Remigios Elmsley and Sophia Elmsley and the Roman Catholic 15 Episcopal Corporation are willing that they should be relieved, and the property now held by them, under the said trust, be vested in Charlotte Elmsley.

Trustees in-
dennified.

Be it enacted, that the said George Sherwood, John Crawford and William Brown Phipps are, and each of them is, relieved from the said trust, and are hereby declared to be, and are discharged, individually and collectively, of and from all liability to the said Charlotte Elmsley, Remigios Elmsley, Sophia Elmsley and the Roman Catholic Episcopal Corporation, their or any of their heirs, administrators, successors or assigns, for 25 or in respect of any or all of their acts done and performed in and about, or the receiving any money or moneys by virtue of the said mentioned Indenture.

Lands vested
in Charlotte
Elmsley,

And be it further enacted, that the lands, in the Indenture mentioned, remaining unsold at the passing of this Act shall be 30 vested in the said Charlotte Elmsley in fee.

and personl
estate.

And be it further enacted, that all mortgages, bank or other stocks, municipal or other debentures, notes or other securities, which may have been taken, received or purchased, by and out of the trust money, or in exchange for lands sold belonging 35 thereto, or in the investment of the funds of the estate, and all property, real or personal, in any way received by the said Trustees, as a part of the said trust estate, is and are hereby vested in the said Charlotte Elmsley, to and for her own use and benefit forever.

40

Contracts with
Trustees con-
firmed.

And be it further enacted, that all sales of, or contracts for sales of land, made by or on the part of the said Trustees, shall be binding upon the said Charlotte Elmsley, her heir and assigns, to the same extent as now they bind the said Trustees, and the said Charlotte Elmsley is hereby authorized, and it 45 shall be her duty to complete the said sales, and perform the said contracts; and any person or persons having any claim or right in any, or for, or on account of any such sale or contract, shall have the same power or privilege of enforcing the same against the said Charlotte Elmsley, her heirs, executors 50 and assigns, as he or they would or could have had against the the said Trustees if this Act had not been passed.

BILL.

An Act to relieve the Trustees of the
Honorable John Elmsley, late of Toronto,
and to vest said Estate in Charlotte
Elmsley.

PRIVATE BILL.

First reading, Dec. 3, 1868.

Mr. LAUDER

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1 - *Account*
2
3
19
9 January 1869

No. 102.]

BILL.

[1868.

An Act to constitute and enable the Trustees of the estate of Alexander Wright, deceased, to sell and dispose of his real estate, and vest its proceeds for the support and education of his family.

WHEREAS Alice Wright, widow of the late Alexander Preamble.

Wright, late of the Township of Minto, in the County of Wellington, yeoman, hath, by his petition, set forth, that the said Alexander Wright was instantly killed in the month of Recital of case.
5 April, 1868, by a falling tree; that he died intestate, leaving a widow and five infant children, the eldest being about eight years, and the youngest about one year old; that the property left by said deceased is unencumbered, and consists of farm stock and implements, worth about three hundred and fifty
10 dollars, of money about two hundred dollars, and of fifty acres of land, thirty-five of which are under cultivation, and the whole worth between one thousand and twelve hundred dollars; that said children, being females, are unable to work said farm, and if rented, it would not yield more than about fifty dollars
15 annually, while, if sold, and the proceeds invested at interest, double that amount could be obtained, and would better maintain and educate said family. And whereas the said widow, Alice Wright, hath, by her petition, prayed for the enactments hereinafter contained, and it is expedient to grant the prayer
20 thereof; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. From and after the passing of this Act, all the real and personal estate of the said Alexander Wright be, and the
25 same is, hereby vested absolutely in James Christie, of the Township of Minto, Esquire, James Laidlaw, of the Township of Guelph, Esquire, and Alice Wright, widow of said Alexander Wright, as joint tenants in fee, and the survivor and survivors of them, upon the trusts hereinafter mentioned, that is to say,
30 to collect, get in, and to dispose of said estate, and to pay there- Trustees may sell estate and invest the funds.
out the debts of the said Alexander Wright, if any there be, and to invest and apply the residue of the proceeds to and for the support and education of said family.

2. The transfers and conveyances of the said estate, made by
35 the said James Christie, James Laidlaw and Alice Wright, or the survivor or survivors of them, shall be good and effectual in law to pass such estate.

3. The receipt or receipts, in writing, and duly signed by Receipts duly signed by trustees to be a sufficient discharge.
said Trustees, shall be a sufficient discharge for the purchase
40 money of any property hereby authorized to be sold by them.

4. Neither of them, the said James Christie, James Laidlaw or Alice Wright shall be liable for the default or neglect, or for the misapplication or non-application of the other or others of them, of the moneys arising from the said estate, but each shall be answerable for his or her own wilful neglect or default only, 5 and no further or otherwise.

No. 102.

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to constitute and enable the Trustees of the estate of Alexander Wright, deceased, to sell and dispose of his real estate, and vest its proceeds for the support and education of his family.

PRIVATE BILL.

1st Reading, Dec. 3rd, 1868.

Mr. Gow.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1- Reading 25 December 1888
2
3
12
7 January 1889

No. 103.]

BILL.

[1868.

An Act to enable the Council of the Corporation of Port Hope to aid, by way of bonus, the extension and completion of the Port Hope, Lindsay and Beaverton Railway to Beaverton, and for other purposes.

WHEREAS the Council of the Corporation of the town of Preamble.

Port Hope have, by their petition, set forth that the inhabitants of the said town are greatly interested in the extension of the Port Hope, Lindsay and Beaverton Railway from Lindsay to Beaverton, and have agreed to aid, by way of bonus, the construction of the said work, to the extent of thirty thousand dollars; that the said Railway Company have agreed to accept such aid, by the transfer to the said Railway Company of certain Sterling Bonds of the Port Hope Harbour Commissioners, now owned by the said Municipality of Port Hope; that the said proposed agreement has been submitted to two large and influential meetings of the ratepayers and inhabitants of the said Municipality, called by the Mayor, by public proclamation in that behalf, and on each occasion unanimously approved by such meetings; that the petitioners are advised that no law exists to enable the petitioners to grant such aid in manner proposed, and pray that an Act be passed to enable the said Town Council of Port Hope to grant such aid to the said Railway Company by way of *bonus*, to the extent and by the means and for the purposes aforesaid, and it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. The Corporation of the Town of Port Hope may, in their discretion, assist and aid the Port Hope, Lindsay and Beaverton Railway Company in the extension of their Railway from Lindsay to Beaverton, by way of bonus, to the extent of thirty thousand dollars, and for that purpose may apply such and so many of the Bonds of the Commissioners of the Port Hope Harbour, now belonging to the said Municipal Corporation, as may be necessary.

Port Hope may aid P. H., L. & B. Railway Company by bonus.

2. The said debentures shall be in the hands of the holders thereof, a charge and lien upon the said Harbour, and the Revenues and Tolls thereof ranking next after the claim of the representative of the late George Weir.

A charge on Revenue of Harbour.

3. The said debentures and the proceeds thereof, shall be applied and expended by the said Railway Company in, towards and about the extension and completion of the Railway of the said Company from Lindsay to Beaverton, and to no other purposes.

The application of the funds.

Security for
re-payment.

4. The Council of the said Corporation of the town of Port Hope may take and receive from the said Railway Company such security as may be or may have been agreed upon for the due and proper expenditure and application of the said debentures, or the proceeds thereof in and about such extension, and for such other matters connected therewith as may be necessary for the interests of the said town, and every agreement and security that may be entered into or given in that behalf shall be legal and valid. 5

Other in-
terested
Municipality.

5. Any other Municipality on the line of or interested in the construction of the said Railway, may contribute to the expense thereof by way of *bonus* or otherwise.

No. 103.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to enable the Council of the Corporation of Port Hope to aid, by way of bonus, the extension and completion of the Port Hope, Lindsay, and Beaverton Railway to Beaverton, and for other purposes.

PRIVATE BILL.

First reading, Dec. 4, 1868.

Mr. WILLIAMS.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1- Henry
2
3
11 January 1864
18
No. 104.]

BILL.

[1868.

An Act to grant relief to Lady Smith, and to enable her to manage the estate of her late husband, Sir Henry Smith.

WHEREAS Mary Smith, usually called Lady Smith, widow and Executrix of the late Honorable Sir Henry Smith, in his lifetime of Kingston, in the Province of Ontario, Knight, deceased, Henry Robert Smith, and Mary Tolbert Smith, children of the said late Sir Henry Smith and Lady Smith, who have now attained the age of twenty-one years, on their own behalf; and the said Lady Smith, acting with the consent and approbation of Martha Pember Smith, aged nineteen years, William Draper Smith, aged eighteen years, James Burrowes Smith, aged sixteen years, Charles Frontenac Smith, aged fourteen years, and Arthur Montague Smith, aged twelve years, infant children of the said Sir Henry Smith and Lady Smith; have, by their petition, set forth, that the said Sir Henry Smith died on the eighteenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight, having first made his last will and testament, in the following words, to wit;—

“In the name of God, Amen! I, Henry Smith, the younger, of the Town of Kingston, in the Midland District, and Province of Upper Canada, Esquire, do make, ordain and publish my last will and testament as follows: I give, devise and bequeath to my wife, Mary Smith, all and singular my estate, real and personal, to have and to hold the same and every part thereof, to her heirs and assigns for ever, and I appoint her my sole executrix.

(Signed), HY. SMITH, Jr.

“Signed, sealed and published, as well as

“declared, at Toronto, in the Home

“District, this fifth day of December,

30 “1853, in presence of

“(Signed), B. SMITH, Toronto.

“(Signed), JOHN SOMERVILLE, Toronto.”

That the said Lady Smith has duly proved the said Will, and taken upon herself the administration of the said estate.

35 That since the date of the said Will the said Sir Henry Smith in his lifetime bought and sold large quantities of land and personal property; entered into contracts for the sale and purchase of properties, which contracts remains still to be completed by conveyances; and at the time of his death was largely interested and concerned in various partnership and other concerns and dealings.

That in the opinion and belief of the petitioners it was the will and intention of the said testator Sir Henry Smith to make and constitute his said wife his sole devisee, legatee, and executrix of his said estate, by his said will; but that the words employed by him to express such intention are open to a doubt in respect of property and rights, acquired by him subsequent to the date of the said Will. 5

That the existence of such doubts is calculated to occasion great delay, difficulty and expense in winding up the affairs of the said estate, and great loss and trouble to the petitioners 10 and others concerned.

That to avoid such doubts as the petitioners are advised, it is necessary that an Act of the Legislature should be obtained to declare the effect and operation of the said Will, and thereby to enable the said petitioner Lady Smith to wind up the 15 said estate to the best advantage, for the benefit of herself and family, and praying that an Act may be passed to declare that it was the true intent and meaning of the said testator Sir Henry Smith, that all the estate, real and personal of which he died, seized or possessed, or to which he was entitled, or in 20 which he was interested at the time of his death, should by his said Will pass, and that it did so pass by virtue of the said Will to the said Petitioner Lady Smith, as fully and absolutely as the same was held by him, the said Sir Henry Smith, at the time of his death, and subject to the same charges and liabilities; according to what the Petitioners conceive to have been 25 the plain and manifest intention of the said Testator.

And whereas it is expedient to grant the prayer of the said Petitioners; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of 30 Ontario, enacts and declares as follows:—

1. It was and is the true intent and meaning of the said Will, in the preamble to this Act set forth, and it was the true intent and meaning of the said Testator, Sir Henry Smith, in that behalf, that all the estate, real and personal, of which 35 the said Testator died seized or possessed, or to which he was intitled, or in which he was interested at the time of his death, should by the said Will pass, and that it did so pass to, and by virtue of the said Will, vest in the said Mary Smith, usually called Lady Smith, widow of the said Testator, as fully 40 and absolutely as the same was held by the said Sir Henry Smith at the time of his death, but no further, and subject to the same charges and liabilities, and not otherwise.

2. This Act shall be a Public Act.

BILL.

An Act to grant relief to Lady Smith, as to enable her to manage the estate of her late husband, Sir Henry Smith.

First reading, Dec. 3, 1868.

Mr. Scott, (Ottawa)

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

Reading December 1868

11 January 1869

14

No. 105.]

BILL.

[1868.

An Act to authorize the Law Society of Ontario, to admit Frederick George Allenby as a Barrister-at-Law.

WHEREAS Frederick George Allenby, has by his petition, *Preamble.*

represented that he was in Easter Term one thousand eight hundred and fifty-five, admitted as an Attorney-at-Law and Solicitor in Chancery, in the English Courts, and practiced
5 in England for several years; and that he has also been admitted as an Attorney-at-Law and Solicitor in Chancery, in Ontario, and that he is desirous of being called to the Bar of Ontario, upon passing the usual preliminary and final examinations prescribed by the Law Society of Ontario, without being required
10 to stand as a student of the Laws upon the books of the said Society for the period prescribed by law: and, whereas inasmuch as the said Frederick George Allenby has been admitted an Attorney and Solicitor for thirteen years, it is expedient to allow him to be called to the Bar without the usual period of
15 probation as a student: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It shall be lawful for the Law Society of Ontario, and the Benchers thereof, in their discretion, upon the payment of the
20 usual fees, therefor to place the name of the said Frederick George Allenby upon the roll of members of the said Society, and to call and admit him to the degree of Barrister-at-Law, and the practice of the law as such, as soon as he has passed the usual preliminary and final examinations prescribed by the rules
25 of the said Society, without requiring him to remain upon the Books of the said Society as a student of the Laws, and without his compliance with the other requirements of the law or the rules and regulations of the said Society in that behalf, any law, usage or regulation to the contrary, notwithstanding.

Law Society
of Ontario may
admit F. G.
Allenby as
Barrister.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to authorize the Law Society of Ontario, to admit Frederick George Allen by as a Barrister-at-Law.

PRIVATE BILL.

First reading, Dec. 3, 1868.

MR. SCOTT.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

1
2
3
19
13 January 1869

No. 106.]

BILL.

[1868.

An Act amending the "Act to Incorporate the Port
Whitby and Port Perry Railway Company."

WHEREAS the Port Whitby and Port Perry Railway
Company have petitioned that the Act of the Legisla-
ture of Ontario, passed in the thirty-first year of Her Majesty's
reign, intituled "An Act to incorporate the Port Whitby and
5 Port Perry Railway Company" be amended, by striking out
therefrom, all the words of the twenty-third section of the said
Act, after and including the words, "Provided always," there-
in, and substitute therefor the words, "The said bonds, debentures
and mortgages not to exceed in amount the paid up stock
10 of the Company, together with the municipal or other bonuses
expended upon such Railway," and also to give such Company
the further power and authority to lay out, continue, extend
and construct their proposed Railway to such point upon the
waters of Lake Simcoe, at or near Beaverton, as they may ap-
15 prove, and further to lay out, construct and build a branch of
such Railway from such part thereof as they may elect into
the village of Uxbridge; and it is expedient that the said Act
should be amended according to the prayer of their petition;
Therefore, Her Majesty, by and with the advice and consent of
20 the Legislative Assembly of the Province of Ontario, enacts as
follows:

1. That all words of the twenty-third section of the said Act 31 V., c. 42,
coming after and including the words, "Provided always," be ^{sec. 23 amend-}
struck therefrom, and that the said section shall be and read ^{ed.}
as follows: "It shall be lawful for the Directors of the said
25 Company, for the time being, to make, execute, and deliver all
such bonds, debentures, mortgages or other securities as to the
said Directors, for the time being, shall from time to time seem
most expedient for raising the necessary capital for the time
being authorized, to be raised by the said Company, or for rais-
30 ing any part thereof; the said bonds, debentures and mortgages
not to exceed in amount the paid up stock of the Company,
together with the municipal or other bonuses expended upon
such Railway."

2. That the said Port Whitby and Port Perry Railway Com-
35 pany, and their servants, shall have full power and authority to
continue and extend the construction of their Railway to such
point upon the waters of Lake Simcoe at or near Beaverton, as
they may in their discretion select by such course as to the Direc-
tors of the said Company may seem expedient; and also in the
40 same manner to lay out, construct and build a branch of such
Railway from such part thereof as the Directors of the said
Company may choose into what is known as the village of
Uxbridge.

Company may
extend their
road.

Provisions of
certain Acts
to apply.

3. All the clauses and provisions contained in the said Act incorporating the said Port Whitby and Port Perry Railway Company, and the several powers and authorities conferred upon such Company by such Act, and all subsequent Acts relating thereto, and the several clauses of the "Railway Act" mentioned and referred to in said Act, shall apply to the extended powers conferred hereby. 5

31 Vic., c. 42,
sec. 17, amend-
ed.

4. Section seventeen of the said Act is hereby amended, by inserting at the end thereof the words:

"And no by-law made or to be made in pursuance of the powers herein conferred, shall be invalid merely by reason of any want of compliance with the provisions of said sections, provided such by-law shall have been or shall be approved of by a majority of the persons rated as aforesaid, and shall settle such sufficient and special rates as are required by the said sections. 10

No. 106.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend the "Act to Incorporate the Port Whitby and Port Perry Railway Company."

PRIVATE BILL.

First reading, Dec. 3, 1868.

Mr. PAXTON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1st Reading 3 December 1868
2 " 9 " "
3 " 9 January 1869

No. 108.] **BILL.** [1868.

An Act to Incorporate the Simcoe and Muskoka Railway Company.

WHEREAS the construction of a Railway from some point on the shore of Lake Couchiching, either in the Township of North Orillia, in the County of Simcoe, or in the Township of Rama, in the County of Ontario, to some point on the shore of Lake Muskoka, in the Township of Muskoka, in the District of Muskoka, would develop the resources of the County of Simcoe and the District of Muskoka, and facilitate the opening up and settlement of said District. And it is expedient to grant a charter for the construction of such Railway. Therefore, Her Majesty, by and with the consent and advice of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Isaac May, Lewis Hotchkiss, George Burton, Robert H. Cozzens, Alexander Peter Cockburn, William Lount, William James Macaulay, John Teviotdale, Moses Davis, Augustus James Alport, and Thomas McMurray, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the said Company, hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of the Simcoe and Muskoka Railway Company.

2. The several clauses of the Railway Act, with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses of the said Act, with respect to Interpretation, Powers, Plans and Survey, Lands and their Valuation, Highways and Bridges, Fences, Tolls, several Meetings, President and Directors, their Election and Duties, Calls, Shares and their Transfer, "Municipalities," "Shareholders," Actions for Indemnity, and Fines and Penalties and their Prosecution, Notices, &c., Working of the Railway and General Provisions, shall be interpreted with, and be deemed to be part of this Act, and shall apply to the said Company, and to the Railway to be constructed by them, except in so far as they may be inconsistent with the express enactments hereof, and "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so Incorporated with this Act as aforesaid.

3. The said Company, hereby Incorporated, shall have full power under this Act to construct a Railway from any point on the shore of Lake Couchiching, either in the Township of North Orillia, in the County of Simcoe, or in the Township of Rama, in the County of Ontario, to any point on the shore of

Lake Muskoka, in the Township of Muskoka, with full power to pass over any portion of the country between the points aforesaid, and to carry the said Railway through the Crown Lands lying between the same.

4. The said Company shall further have power to purchase, 5
build, complete, fit out and charter, sell or dispose of work, and
control and keep in repair steam or other vessels, from time to
time, to ply on the rivers and lakes adjacent to the said Rail-
way, and also to make arrangements and agreements with the
proprietors of steam and other vessels on the same or other 10
rivers and lakes in connection with the said Railway.

5. The said Company shall have power to purchase and hold
property not exceeding ten acres at each extremity of the line
of said Railway, for the purpose of building, and to be built
thereon, wharves, storehouses, warehouses, engine-houses, sheds 15
and other erections for the use of the said Railway Company,
and the same, or portions thereof, in their discretion, subsequent-
ly to sell and convey.

6. The gauge of the said Railway shall be in the discretion
of the said Company, except that it shall not be less than three 20
feet six inches.

7. The said Company may construct the said Railway with
rails made of wood or iron, and afterwards change the same in
their discretion.

8. Conveyances of land to the said Company, for the pur- 25
poses of this Act, may be made in the form of Schedule A,
hereunder written, or to the like effect, and such conveyances
shall be received by the several Registrars, and be registered
by duplicate thereof, in such manner and upon such proof of
execution as is required by the Registry Laws of Ontario; and 30
no Registrar shall be entitled to demand or receive more than
seventy-five cents for registering the same, including all entries
and certificates thereof, and certificates endorsed on the dupli-
cates thereof.

9. From and after the passing of this Act, the said Isaac May 35
Lewis Hotchkiss, George Burton, Robert H. Cozzens, Alexander
Peter Cockburn, William Lount, William James Macaulay, John
Teviotdale, Moses Davis, Augustus James Alport and Thomas
McMurray shall be Provisional Directors of the said Company.

10. The said Provisional Directors, until others shall be 40
named as hereinafter provided, shall constitute the Board of
Directors of the Company, with power to fill vacancies occurring
therein, to associate with themselves therein not more than
three other persons who, upon being so named, shall become and
be Provisional Directors of the Company, equally with them- 45
selves, to open Stock Books, to make a call upon the shares
subscribed therein, to call a meeting of the subscribers thereto
for the election of other Directors as hereinafter provided, and
with all such other powers as under the Railway Act are vested
in such boards.

11. The Capital of the Company hereby incorporated, shall be fifty thousand dollars (with power to increase the same in the same in the manner provided by the Railway Act) to be divided into five hundred shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such Company; and the money so raised, shall be applied in the first place to the payment of all expenses for making the surveys, plans, and estimates connected with the works hereby authorized; and the residue of such money shall be applied to the making, maintaining and working of the said Railway, and the other purposes of this Act, and to no other purposes whatever.

12. And it shall further be lawful for any municipality or municipalities, through any part of which or near which the Railway or works of the said Company shall pass or be situated, or which may be benefitted thereby, to aid the said Company by loaning or guaranteeing or giving money by way of bonus, or other means to the Company, or issuing municipal bonds to in aid of the Company, and otherwise in such manner and to such extent as such municipalities, or any of them, shall think expedient; Provided always, that no such aid, loan, bonus, or guarantee shall be given, except after the passing of by-laws for the for the purpose, and the adoption of such by-laws by the rate-payers, as provided in the Railway Act; and provided always, that after the delivery of the debentures to the Trustees as hereinafter provided, no by-law, upon the authority of which such debentures were issued, shall be deemed to be invalid merely for want of compliance with all the formalities prescribed antecedent to the adoption of such by-law by the rate-payers, if such by-law shall have been approved by a majority of the persons legally qualified to vote on its adoption.

13. Whenever any municipality shall grant a bonus to aid the said Company in the construction and equipping of the said Railway, or for the other purposes of this Act, the debentures therefor shall, within six weeks after the passing of the by-law authorizing the same, be delivered to three Trustees, namely:—

and a third to be appointed by the Company (who may be removed at pleasure by the said Company) and such Trustees shall receive the said debentures in trust. Firstly, to convert the same into money; secondly, to deposit the money realized from the sale of the said debentures in some one of the chartered banks, having an office in the city of Toronto in the name of the "Simcoe and Muskoka Railway Municipal Trust Account," and to pay the same out to the said Company from time to time on the certificate of the Chief Engineer of the said Railway, in the form set out in Schedule B hereto, or to the like effect, to be expended by them *pro rata* on each mile of Railway built between the lakes Couchiching and Muskoka aforesaid; and the said certificate of the Chief Engineer shall set out the portion of the Railway to which the money to be paid out is to be applied, the total amount expended on such portion to the date of such certificate and that that the sum so certified, does not exceed the *pro rata* amount to be applied on the work done; the said certificate to be attached to the cheques of the said Trustees respectively, as they shall be drawn, and the wrongful granting of any such certificate by

such Engineer, shall be a misdemeanor, punishable by fine and imprisonment by any Court of competent jurisdiction in the Province of Ontario.

14. The Act of any two such Trustees shall be as valid and binding as if the three had concurred. 5

15. As soon as shares to the amount of ten thousand dollars of the capital stock of the said Company shall have been subscribed, and ten per cent. thereof paid up *bona fide*, the Directors shall call a general meeting of the subscribers for the said capital stock, who shall have so paid up the per cent. thereof, 10 for the purpose of electing Directors of the said Company.

16. In case the Provisional Directors neglect or refuse to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per cent. thereof so paid up, the same may be called by any 15 two of the subscribers, who shall have so paid up ten per cent., and who are subscribers among themselves for not less than three thousand dollars of the said capital stock, and who have paid up all calls thereon.

17. Notice of the time and place of holding a general meet- 20 ing under the provisions of sections fifteen and sixteen of this Act, shall be given by publication in one newspaper in the County of Simcoe, once in each week, for at least five consecutive weeks, before such general meeting and such meeting shall be held in the village of Orillia, at such place, and on such day 25 as may be named by said notice.

18. At such general meeting the subscribers for the capital stock assembled, who shall have paid up ten per cent. thereof, with such proxies as may be present (the persons holding and the persons giving such proxies having paid up the ten per cent. as 30 aforesaid shall choose six persons to be Directors of the said Company, and may also make and pass at the same or subsequent general meeting such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act. 35

19. No person shall be qualified to be elected a Director by shareholders unless he be a shareholder holding at least ten shares of stock in the Company, and unless he has paid up all calls thereon.

20. Thereafter the general annual meeting of the shareholders 40 of the said Company shall be held in the village of Orillia, or the city of Toronto, on such days and at such hours as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette* and in one or more papers published in the 45 County of Simcoe and district of Muskoka, and in one paper published in the said city of Toronto.

21. Special general meetings of the Shareholders of the said Company may be held at such place in the Village of Orillia, at such time, in such manner, and for such purposes as may be 50 provided by the by-laws of said Company.

22. For the purpose of constructing, maintaining and using the said Railway, and for the other purposes of this Act the Directors of the said Company may raise by loan, or subscription of stock and issuing of shares, or otherwise as they may deem expedient, such capital sum, as above mentioned, such shares to be issued in sums of one hundred dollars each as aforesaid.

23. The Directors of the said Company, after the sanction of the Shareholders shall have been first obtained at any special general meeting, to be called for such purposes in manner and place aforesaid, shall have power to issue bonds, made and signed by the President or Vice-President, and countersigned by the Secretary and Treasurer, and under the seal of the Company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the Company, real and personal, then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof, upon the undertaking and the property of the Company as aforesaid. Provided, however, that the whole amount of such issue of bonds shall not exceed at any time the capital stock then being of the said Company, and that the amount of such bonds issued at any one time shall not exceed the amount of paid up instalments on its share capital, together with the amount of paid up municipal and other bonuses.

24. All such bonds, debentures and other securities, and coupons, and interest warrants thereon, respectively, may be made payable to bearer and transferable by delivery, and any holder of any such, so made payable to bearer, may sue at law thereon in his own name.

25. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or indorsed, or any such bill of exchange drawn, accepted or endorsed by the President, or Vice-President of the Company, and countersigned by the Secretary and Treasurer of said Company, and under the authority of a quorum of the Directors, shall be binding on the said Company; and every such promissory note or bill so made, drawn, endorsed or accepted, shall be presumed to have been made, drawn, endorsed or accepted, as the case may be, with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President, or Secretary or Treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted. Provided, however, that the said Company shall not issue any promissary note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

26. Every shareholder having one or more shares of the said Capital Stock shall, at any general meeting of the shareholders,

be entitled to one vote for every share held by him; provided always that all calls on such share or shares shall have been fully paid at least one week before the time of meeting.

27. Any meeting of the Directors of the said Company regularly summoned, at which not less than four Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors. 5

28. On subscription for shares of the said capital stock, each subscriber shall pay forthwith to the Directors for the purposes set out in this Act, ten per cent of the amount subscribed by him, 10 and the said Directors shall deposit the same in some chartered bank to the credit of the said Company, and no subscriber shall be entitled to vote on the stock subscribed for by him until such ten per cent shall be *bona fide* paid.

29. Thereafter calls may be made by the Directors for the 15 time being, as they shall see fit, provided that no calls shall be made at any one time of more than ten per cent of the amount subscribed by each subscriber.

30. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits or for constructing maintaining and using the said Railway, it is enacted, that the said Company may purchase, hold, use, and enjoy such land, 20 and also the right of way thereto if the same be separated from their Railway, and to sell and convey the same or part thereof, from time to time, as they may deem expedient. 25

31. All the laws of the Province of Ontario inconsistent with this Act are hereby repealed, in so far as this Act is concerned.

32. The Interpretation Act shall apply to this Act.

SCHEDULE A.

KNOW ALL MEN BY THESE PRESENTS that I (or we) (*insert also the name of wife or any person who may be a party*) in consideration of dollars paid to me (*or as the case may be*) by the Simcoe and Muskoka Railway Company, the receipt whereof is hereby acknowledged, do grant and convey (and I the said do grant and release, or do bar my dower in *as the case may be*) all that certain parcel or tract (*or these certain parcels or tracts as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said Company for the purposes of their Railway, to hold with the appurtenances unto the said Simcoe and Muskoka Railway Company, their successors and assigns forever.

As witness my (or our) hand and seal (*or hands and seals*) this day of , one thousand eight hundred and

Signed, sealed and delivered }
in duplicate in presence of }

[LS.]

SCHEDULE B.

Chief Engineer's Certificate.

SIMCOE AND MUSKOKA RAILWAY COMPANY'S OFFICE,
ENGINEER'S DEPARTMENT,

No. _____ 186 .

Certificate to be attached to cheques drawn on the Simcoe and Muskoka Railway Municipal Trust Account in Trustees' hands and given under sections _____ of Cap _____ 32 Vic.

I, _____ Chief Engineer for the Simcoe and Muskoka Railway Company, do hereby certify, that there has been expended in the construction of mile no _____ the said mileage being numbered consecutively from Lake Couchiching) the sum of _____ dollars to date, and that the total *pro rata* amount due for the same from the Municipal Trust account amounts to the sum of _____ dollars which said sum of _____ dollars is now due and payable as provided under the said Act.

Chief Engineer.

BILL.

To Incorporate "The Simcoe and Muskoka
Railway Company."

PRIVATE BILL.

First reading, Dec. 3, 1868.

Mr. COCKBURN.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

1² Reading 3 December 1868
2
3
19
9 January 1869

No. 109.]

BILL.

[1868.

An Act to incorporate the Norfolk Railway Company.

WHEREAS the construction of a Wooden Railway from the Preamble.

1 Town of Simcoe, in the county of Norfolk, or from Port
Dover, or Port Ryon, on Lake Erie, running through the Town
of Simcoe to or near the village of Caledonia, in the county of
5 Haldimand, or to or near the Town of Brantford or the Town
of Paris, in the county of Brant, is desirable, and it is expedient
to grant a charter for the construction of such Railway; There-
fore, Her Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as fol-
10 lows :

1. Daniel Matthews, Thomas William Walsh, William Mer- Company
cer Wilson, Isaac Austin, Thomas W. Clark, H. J. Sulton, to- incorporated.
gether with such persons and corporations as shall in pursuance
of this Act, become shareholders of the said Company hereby
15 incorporated, are hereby constituted and declared to be a body
corporate and politic, of the name of the Norfolk Railway
Company.

2. The several clauses of the Railway Act of the Consoli-
dated Statutes of Canada, and amendments, with respect to
20 the first, second, third, fourth, fifth and sixth clauses thereof,
with respect to "Interpretation," "Incorporation," "Powers,"
"Plans and Surveys," "Lands and their Valuation," "High-
ways and Bridges," "Fences," "Tolls," "General Meetings,"
"President and Directors, their Election and Duties," "Calls,"
25 "Shares and their Transfer," "Municipalities," "Shareholders,"
"Action for Indemnity, Fines and Penalties, and their Prosecu-
tion," "By-laws," "Notice, &c.," "Working of the Railways"
and "General Provisions," shall be incorporated with, and be
deemed to be part of this Act, and shall apply to the said Com-
30 pany, and to the Railway to be constructed by them, except
only so far as they may be inconsistent with the express enact-
ments hereof, and the expression when used herein, shall be un-
derstood to include the clauses of the said Railway Act so incor-
porated with this Act as aforesaid.

Clauses of the
Railway
incorporated
with this Act.

35 3. The said Company hereby incorporated, and their Ser- Line of Rail-
vants and Agents shall have full power under this Act, to con- way
struct a railway from any point in or near the Town of Simcoe authorised.
or from Port Dover or Port Ryerse thereof, on or near Lake
Erie, running through the Town of Simcoe, to or near the Vil-
40 lage of Calidonia, in the county of Haldimand, or to or near
the Town of Brantford or the Town of Paris, in the county of
Brant, as may seem to the Company best adapted to attain the

objects mentioned in the preamble, with full power to pass over such portions of the said county of Norfolk, and adjacent counties as may be determined upon.

Guage. 5. The guage of the said Railway shall not be less than three feet six inches, and the said Company may lay down rails of wood, iron, or other material, in their discretion. 5

Conveyances. 6. Conveyances of lands to the said Company, for the purposes of this Act, may be made, in the form set out in the Schedule hereunder written, or to the like effect; and such conveyances shall be received by the several Registrars, and be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof. 10 15

Provisional Directors. 7. From and after the passing of this Act, the said Daniel Mathews, Thomas W. Walsh, William Mercer Wilson, Isaac Austin, Thos. W. Clark and H. J. Sulton, shall be Provisional Directors of the said Company. 20

Their powers. 8. The said Provisional Directors shall have power, during their continuance in office, by vote of the majority of them, to supply the place of any one or more of their number dying or declining to act, out of persons who shall subscribe for stock of the said Company to the amount of at least two hundred dollars each. 25

Their powers. 9. Such Provisional Directors shall, excepting so far as is by this Act excepted, have all the rights, powers, privileges and indemnities, and shall be subjected to the same restrictions as elected Directors of the said Company would have or be subject to under the provisions of this Act, and in this Act the word "Directors" shall be held to apply as well to Provisional Directors as to elected Directors, unless especially restricted to either. 30

Capital of the Company \$200,000, with power to increase. 10. The capital of the Company hereby incorporated, shall be two hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into ten thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such Company; and the money so raised shall be applied, in the first place, to the payment of all expenses for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, maintaining and working of the said Railway, and the other purposes of this Act, and to no other purpose whatever. 35 40 45

Municipalities may aid by bonus, etc. 11. And it shall further be lawful for any Municipality or Municipalities, through any part of which, or near which, the Railway or works of the said Company shall pass or be situated, or which may be benefited thereby, to aid and assist the said Company by loaning or guaranteeing, or giving money by way of bonus or other means to the Company, or issuing Municipal bonds to, or in aid of the Company, and otherwise in such 50

manner, and to such extent, as such Municipalities, or any of them, shall think expedient: Provided always, that no such aid, loan, bonus, or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the ratepayers, as provided in the Railway Act.

12. Whenever any Municipality shall grant a bonus to aid the said Company in the construction and equipping of the said Railway, the Debentures therefore shall, within six weeks after the passing of the by-law, authorizing the same be delivered to three Trustees, namely Nathan Cook Ford, of the town of Simcoe, Henry Groff, Treasurer of the County of Norfolk, and a third to be appointed by the Company (who may be removed at pleasure by the said Company), and such Trustees shall receive the said Debentures in trust; Firstly to convert the same into money; Secondly, to deposit the amount realized from the sale of the said Debentures in some one of the Chartered Banks, having an office in the Town of Simcoe, under the style of the Norfolk Railway Municipal Trust Account; and to pay the same out to the said Company from time to time, on the certificate of the Chief Engineer of the said Railway, in the form set out in Schedule "B" hereto, or to the like effect, to be expended by them *pro rata* on each mile of Railway built between the point of commencement, nearest to Simcoe and the terminus to be selected; and the said certificate of the Chief Engineer shall set out the portion of the Railway to which the money to be paid out is to be applied, the total amount expended on such portion to the date of such certificate, and that the sum so certified does not exceed the *pro rata* amount to be applied on the work done; the said certificate to be attached to the cheques of the said Trustees respectively, as they shall be drawn, and the wrongfully granting of any such certificate by such Engineer shall be a misdemeanour, punishable by fine and imprisonment by any Court of Competent Jurisdiction in the Province of Ontario. The Act of any two such Trustees to be as valid and binding as if the three had agreed.

13. As soon as shares to the amount of twenty thousand dollars of the Capital Stock of the said Company shall have been subscribed, and ten per cent. thereof paid up *bona fide*; the Directors shall call a general meeting of the subscribers for the said Capital Stock, who shall have so paid up ten per cent. thereof for the purpose of electing Directors of the said Company.

14. In case the Provisional Directors neglect to call such meeting for the space of three months after such amount of the Capital Stock shall have been subscribed and ten per cent. thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per cent., and who are subscribers among them for not less than one thousand dollars of the said Capital Stock, and who have paid up all calls thereon.

15. In either case, notice of the time and place of holding such general meeting, shall be given by publication in one newspaper in the Town of Simcoe, once in each week, for the space of at least one month, and such meeting shall be held

in the Town of Simcoe at such place therein, and on such day as may be named by such notice.

Election of Directors.

16. At such general meeting the subscribers for the Capital Stock assembled, who shall have so paid up ten per cent. thereof, with such proxies as may be present, shall choose five persons to be Directors of the said Company and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act. 5

Qualification.

17. No person shall be qualified to be elected as such Director by the shareholders, unless he be a shareholder, holding at least ten shares of stock in the Company, and unless he has paid up all calls thereon. 10

Annual meetings.

18. Thereafter, the General Annual Meeting of the shareholders of the said Company shall be held in such place in the town of Simcoe, and on such days, and at such hours as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least thirty days previously in the *Gazette*, and in one or more newspapers published in the Counties through which the said road may pass. 15

Special general meetings.

19. Special General Meetings of the shareholders of the said Company may be held at such places in the town of Simcoe, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said Company. 20

Raising Capital.

20. For the purpose of constructing, maintaining and using the said Railway, and other works necessary for the proper construction, maintenance and use thereof, the Directors of the said Company may raise in such manner, by loan or by subscription of stock, and issuing of shares, or otherwise, as they may deem expedient; such capital sum as mentioned above such shares to be issued in sums of fifty dollars each as aforesaid. 25 30

Stock certificates.

21. The Directors may from time to time execute, issue and deliver such stock, scrip certificates, bonds, debentures, mortgages, or other securities as they may deem expedient for raising the said capital sum for the time being, authorized to be raised by the said Company, or for raising any part thereof. 35

Company may become party to promissory notes.

22. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed, or any such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a quorum of the Directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President, or the Secretary and Treasurer, be individually responsible for the same, unless the said promissory notes or 40 45 50

bills of exchange have been issued without the sanction and authority of the Board of Directors, as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said Company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

23. All such bonds, debentures, mortgages and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer, and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name. Bonds and coupons, how payable.

24. Every subscriber for, or holder of one or more shares of the said Capital Stock, shall, at any general meeting of the shareholders, be entitled to one vote for every share subscribed for or held by him. Vote.

25. Any meeting of the Directors of the said Company regularly summoned, at which not less than three Directors shall be present, shall be competent to exercise, and use all and every of the powers hereby vested in the said Directors. Quorum.

26. On the subscription for shares of the said Capital Stock, each subscriber shall pay forthwith to the Directors, for the purposes set out in this Act, ten per cent. of the amount subscribed by him, and the said Directors shall deposit the same in some chartered bank to the credit of the said Company, and no subscriber shall be entitled to vote on the stock subscribed for by him, until such ten per cent. be *bona fide* paid. Ten per cent payable on subscribing.

27. Hereafter calls may be made by the Directors, for the time being, as they shall see fit, provided that no calls shall be made at any one time of more than ten per cent. of the amount subscribed by each subscriber. Calls.

28. Whenever, for the purpose of procuring sufficient lands for stations or gravel pits, or other purposes for constructing, maintaining and using the said Railway, it shall be necessary to purchase more land than is required for such stations, or gravel pits or other purposes; it is enacted that the said Company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their Railway, in such manner, and for such purposes connected with the constructing, maintenance or use of the said Railway, as they may deem expedient, and to sell and convey the same, or parts thereof, from time to time, as they may deem expedient. May purchase lands for gravel pits.

29. All laws of the Province of Ontario inconsistent with this Act are hereby repealed, in so far as this Act is concerned.

30. The Interpretation Act shall apply to this Act.

SCHEDULE A.

KNOW ALL MEN BY THESE PRESENTS, that I (or we) [insert also the name of wife or any other person who may be a party]

in consideration of dollars paid to me (*as the case may be*) by the Norfolk Railway Company, the receipt whereof is hereby acknowledged, do grant and convey [*and I the said do grant and release, or do bar my dower in, as the case may be*] all that certain parcel [*or those certain parcels, as the case may be*] of land, situate, [*describe the land,*] the same having been selected and laid out by the said Company for the purposes of their Railway, to hold with the appurtenances unto the said, the Norfolk Railway Company, their successors and assigns.

As witness my (*or our*) hand and seal (*or hands and seals*) this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of

(L. S.)

SCHEDULE B.

Chief Engineer's Certificate.

Norfolk Railway Company's Office.

Engineer's Department, Peterborough, 186

No.

Certificates to be attached to cheques drawn on the Norfolk Railway Municipal Trust account in Trustees hands, and given under Sections of Cap. Vic.

I, Chief Engineer for the Norfolk Railway, do hereby certify that there has been expended in the construction of mile No. (the said mileage being numbered consecutively from the point of commencement hereof to the terminus) the sum of dollars to date, and that the total *pro rata* amount due for the same from the said Municipal Trust account, amounts to the sum of dollars, which said sum of dollars is now and due, and payable as provided under the said Act.

Chief Engineer.

No. 109.

2nd Session, 1st Parliament, 32 Victoria, 1868

BILL.

An Act to incorporate the Norfolk Railway Company.

First reading, Dec. 3, 1868.

MR. WILSON.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

1st Reading 2 December 1868
2 " 19 " "
3 " 11 January 1869

No. 110.] **BILL.** [1868

An Act to legalize the granting to and the holding by the Municipal Corporation of the Township of St. Vincent, in the County of Grey, in the Province of Ontario, of certain lands.

WHEREAS the Municipal Corporation of the Township of St. Vincent, in the County of Grey, have, by their petition, represented that they have made considerable improvements in the town of Meaford, and that these improvements have been made in that part of the said town set apart as, and laid down on the plan of survey by R. F. Lynn, of Meaford aforesaid, Provincial Land Surveyor, as a public street, or thoroughfare, and that for the convenience and benefit of the inhabitants of the said town and neighborhood, generally, in order to enable the said Municipal Corporation to improve the harbour at the mouth of the Big Head River, in the said town of Meaford, and for other purposes beneficial to the inhabitants of the said town and neighborhood, it is deemed expedient to grant to, and vest in the said Municipal Corporation, the lands hereinafter mentioned; Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

That in addition to the lands already granted by the Crown to the Municipal Corporation of the Township of Saint Vincent, in the County of Grey, and held by the said Corporation, it shall, and may be lawful for a grant to be made to the said Municipal Corporation of Saint Vincent, and their successors, of the lands described in the Schedule "A"; and that it shall, and may be lawful for the said Municipal Corporation, and their successors, to have and hold the said lands for the purpose of making a harbour at the mouth of the Big Head River, aforesaid, and as to so much of the said lands as shall, or may not be requisite, or necessary, for the purposes of a harbour, that the said Municipal Corporation, and their successors, may lease and make use of the same for such purposes, and upon such terms as they may deem necessary, or for the interests of the inhabitants of the said town and neighborhood.

SCHEDULE A.

That portion of the town of Meaford, comprising Bayfield Street, lying on the west side of Big Head River, commencing at Bridge Street, and terminating at the East end of Parker Street, that is to say: Reserved Lot A, West of the said river, on Bayfield Street, aforesaid, as laid down on the plan of survey

of Provincial Land Surveyor, R. F. Lynn, Esquire, leaving said Bayfield Street one chain and a half from Bridge Street, where it intersects Nelson Street to Collingwood Street, which is deemed sufficiently wide for the public use, to be continued, maintained and kept as a public street and highway.

Also, the reserved Lot B, east of the said river, on Collins Street, commencing at said Bridge Street, and terminating at the water's edge, leaving said Street one chain wide for the public use, as aforesaid, to be maintained, continued, and kept as a public street and highway, traversing the shore of said river, and that of Lake Huron, respectively, at low water mark.

No. 110.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to legalize the granting to, and the holding, by the Municipal Corporation of the Township of Saint Vincent, in the County of Grey, of certain lands.

PRIVATE BILL.

First reading, Dec. 3, 1868.

Mr. T. SCOTT.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

1- Reading 3 December 1869
2
3
14
9 January 1869

No. 111.]

BILL.

[1868.

An Act to provide for the succession of Trustees of the Church and Glebe property belonging to St. Andrew's Church, Peterborough, and to authorize the Trustees of the said property to mortgage the said property, or part thereof.

WHEREAS it hath been made to appear by the petition of Robert Dennistoun and others, elders, managers and members of the congregation of St. Andrew's Church, in the Town of Peterborough, of the Presbyterian Church in Canada, in connection with the Church of Scotland, that by Letters Patent, bearing date the 29th day of July, in the year of our Lord one thousand eight hundred and thirty-six, certain parcels of land, containing by admeasurement one acre, be the same more or less, and described as Lots Twelve and Thirteen, on the north side of Brock street, in the said town of Peterborough, were granted by the Crown to David Hamilton and others, their heirs and assigns, for ever, in trust, as a Glebe for a clergyman, in connection with the said Church of Scotland, in the said town of Peterborough; but the said Letters Patent did not provide any manner of appointing successors to the said Trustees. And also, that by certain other Letters Patent, bearing date the twenty-second day of October, in the year of our Lord one thousand eight hundred and thirty-six, that certain parcel or tract of land, containing by admeasurement ninety-one thousand eight hundred square links, being Lot lettered F, fronting on Brock street, in the said Town of Peterborough, was granted by the Crown to the said David Hamilton and others, their heirs and assigns, for ever, in trust, for a site of a Church in the said Town of Peterborough, in connection with the said Church of Scotland; and the said last mentioned Letters Patent provided that the said Trustees might, by writing or writings, under seal, and executed with the formalities prescribed, appoint fit and proper persons Trustees, as vacancies should happen, and no such appointment has ever been made; and the said David Hamilton is now the only survivor of the said original Trustees, and he has not, for many years past, been a member of the said Church or congregation; and it is desirable to provide for the appointment of new Trustees, and their successors in office, in whom may be vested the said granted lots, that the said Trustees should be as originally, seven in number; and that the managers of the temporal affairs of the said congregation should be the Trustees, and should have the right to mortgage the said lots, or part or parts thereof, to obtain money required to complete a Manse, now being erected on a part of the said premises; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Lands heretofore vested in certain Trustees vested in Robert Romaine and others,

1. The said lots, and all the estate and interest therein of the original Trustees named in the said Letters Patent, shall be, by virtue of this Act, and from henceforth deemed to be, and are hereby declared to be, vested in fee simple in Robert Romaine, Robert Renfrew, William Lundy, Thomas Fortye, John Carnegie, the younger, David Pentland and George Edmison, (they being the managers of the temporal affairs of the congregation), and in their successors in office, to be appointed as hereinafter provided, upon the trusts set forth in the said Letters Patent.

10

Whoshal continue Trustees until, &c.

2. The Trustees above named shall continue to be Trustees until the annual meeting of the said congregation, in the year of our Lord one thousand eight hundred and seventy, when the two senior Trustees, being the first named, shall cease to hold office, and two Trustees, who shall likewise be managers of the said temporal affairs of the congregation, shall be chosen by the congregation in their place, at such annual meeting, or at some other subsequent meeting held for that purpose; and the Trustees so vacating office shall be eligible for re-election, and the names of the Trustees so chosen shall be placed at the foot of the general body of Trustees, and the like practice shall be continued in each succeeding year.

Trustees may exercise certain rights, &c.,

3. The said Trustees shall have, and may, from time to time, exercise all the rights and privileges conferred by the fourth, fifth, sixth and seventh sections of chapter sixty-nine, of the Consolidated Statutes of Upper Canada, as if the same were incorporated in and formed part of this Act.

and may borrow money to complete Manse.

4. It shall be lawful for the said Trustees, or a majority of them, to borrow a sum of money not exceeding one thousand two hundred dollars, to obtain the amount required to finish and complete a Manse, now being erected on a part of the said premises, and secure the money so borrowed, and interest thereon, by a mortgage on the said property, or a part thereof.

Not to affect present leases.

5. This Act shall in no respect affect or interfere with the rights of any party or parties under existing leases of any part of any of the said property.

BILL.

An Act to provide for the successor Trustees of the Church and Glebe property belonging to St. Andrew's Church, Peterborough, and to authorize the Trustees of said property to mortgage the property, or part thereof.

PRIVATE BILL.

First reading, Dec. 3, 1868.

Mr. CARNI

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

1st Reading 4 December 1868
2
3

No. 112.]

BILL.

[1868.

An Act to amend the Act passed in the twenty-seventh and twelfth-eighth years of Her Majesty's Reign, respecting the granting of Charters of Incorporation to Manufacturing, Mining and other Companies.

HER Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

The tenth sub-section of the first section of the twenty-third chapter of the Act passed in the twenty-seventh and twenty-
5 eighth years of Her Majesty's Reign, is hereby amended by the addition of the words " Or for the deepening of any stream, creek or water-course, or the draining of any locality," to be inserted after the word " Railway" in the last line of the tenth subsection.

27 Vic. cap.
23, Sub-sec.
amended.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend the Act passed in the
27th and 28th years of Her Majesty's
Reign, respecting the granting of Charters
of Incorporation to Manufacturing, Min-
ing and other Companies.

First reading, Dec. 4, 1868.

MR GRAHAM, (York.)

TORONTO :—

PRINTED BY HUNTER, ROSE & Co.

Reading 4 December 1868
2
3
19
13 January 1869

No. 113.]

BILL.

[1868.

An Act to grant certain powers to the Ontario Farmers' Mutual Insurance Company.

WHEREAS the Ontario Farmers' Mutual Insurance Company Preamble.

have, by their petition, set forth that they have been organized, and have carried on business in the Town of Whitby, in the County of Ontario, and Province of Ontario, since the month of June, one thousand eight hundred and sixty-seven, as a
5 Mutual Fire Insurance Company, under the Act respecting Mutual Insurance Companies; and whereas for the better management of the affairs of the said Company, and to enable them to compete successfully with similar Companies now enjoying the privileges in the said petition prayed for, it is expedient that
10 the prayer of the said petition be granted; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The said Company may hold their annual meeting for the
election of Directors, at such time in each year as may appear
15 most expedient to the Board of Directors thereof. Annual meeting.

2. No agent or sub-agent of the said Company shall receive or
hold proxies for voting at meetings of the said Company, and no
proxy to vote thereat shall be valid, unless the same shall have
been deposited with the Secretary for registration at least one
30 month before the meeting at which such proxies shall be acted upon. Proxies to be entered one month before meeting.

3. The said Company may separate their business into three
branches or departments: first, the Farmers' Branch; second,
Towns and Villages Branch; third, the Manufacturers' Branch. Separation of business into three branches.

35 4. The said Company may issue policies and collect premiums thereon in cash for insurances for terms of one or more years, not exceeding five, and parties so paying in cash shall not be liable to any further charge or assessment whatsoever, nor shall they be held to be members of the said Company in any respect. Cash premiums on policies.

40 5. For the purpose of equalizing the assessments, which the said Company is now authorized by law to make, and of providing for the speedy and certain payment of losses incurred, and for expenses of management, the said Company may from time to time, raise an equalization or reserve fund by assessing its
45 premium notes in such manner and at such times as shall appear most expedient to the Directors; provided always, that the sum to be paid by each member shall be in proportion to his premium note, and shall not exceed one per cent. for the three years' risk on the one hundred dollars insured in the Farmers' Branch; five Equalizing assessments. Reserve fund. Proviso.

per cent. for the three years' risk on the one hundred dollars insured in the Town and Villages Branch; and fifteen per cent. on the one hundred dollars for the three years' risk insured in the Manufacturers' Branch, until the whole amount so raised shall have become exhausted.

5

Re-insurance.

6. The Directors of the said Company may make arrangements with any Mutual or other Insurance Company, for the re-insurance of risks, on such conditions, with respect to the payment of premiums thereon, as may be agreed between such Companies.

10

Policies may be extended.

7. Policies issued by the Company for two years or less, may be extended from year to year, for three years further by renewal receipts, signed by the President or Vice-President of the Company, and countersigned by the Secretary.

Non-payment for thirty days to vacate policy.

8. If the assessment on the premium note of any policy be not paid within thirty days of the day on which the notification of it shall have been mailed to the assessed party at his, her or their Post Office address, as given by him, her or them in the application for insurance, or by subsequent written notice to the Secretary of the said Company, the policy of insurance for which, such assessment shall have been made, shall be null and void; provided always, that the said policy may be revived, if the said Company give their consent thereto, in writing, when the said assessment shall have been paid, but that nothing shall relieve the assessed party from his liability to pay the said assessment, or any subsequent assessment.

Revival.

Office in Whitby.

9. The head office of the said Company shall be in the Town of Whitby, in the County and Province of Ontario.

Assessments receipts.

10. No assessment receipt shall be binding on the Company, unless signed by the President or Vice-President, and countersigned by the Secretary.

Consol. Stat. Cap. 52, and amending Statutes to apply.

11. The Act respecting Mutual Insurance Companies being Chapter Fifty-two of the Consolidated Statutes of Upper Canada, and the Acts in amendment thereof, except in so far as the same may be inconsistent with the provisions and enactments of this Act, shall apply in all its provisions to the Ontario Farmers' Mutual Insurance Company.

BILL.

An Act to grant certain powers to the Ontario Farmers' Mutual Insurance Company.

PRIVATE BILL.

First reading, Dec. 4, 1868.

Mr. McGill.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1 - Reading 4 December 1868
2 " 5 " 1868
Dropped 23 January 1869

No. 114.] **BILL.** [1868.

An Act to amend the Act intituled "An Act respecting the Municipal Institutions of Upper Canada," now Ontario, (29 and 30 Victoria, Chapter 51.)

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. Section 51 of the said Act is hereby repealed, and the following substituted in lieu thereof:—"51, After such appointments are made, the Governor shall, by proclamation, separate the junior county from the senior or remaining county or counties, and shall declare such separation to take effect on the first day of January next, after the end of three months from the date of the proclamation, and on that day, the courts and officers of the Union shall cease to have any jurisdiction in the junior county, and the property of the Corporation of the Union, situate in the junior county, shall become the property of the Corporation of the junior county, and the property situate in the remaining County, or united counties, shall be the property of the Corporation of the remaining County, or united counties, *and the assets and choses in action, belonging to the Corporation of the Union, shall belong to and be the property of either the senior or junior county, or union of counties,* as agreed upon at the separation, and in the absence of any agreement, they shall belong to and be the property of the senior county, or union of counties, and in the case of choses in action, they may be recovered in a suit, action, or other legal proceeding instituted or commenced in the name of the Senior County, or union of counties: Provided always that nothing herein contained shall prevent the Sheriff of any such Senior County from proceeding upon and completing the execution or service within the junior county, of any writ of mesne, or final process in his hands at the time of such separation, or of any renewal thereof, or of any subsequent or supplementary writ in the same cause, or in the case of executions against lands from executing all necessary deeds and conveyances relating to the same, and the acts of all such Sheriffs in that behalf, shall be and be held, and construed to be legal and valid in the same manner, and to the same extent, as if no separation had taken place, but no further.
- 29 & 30 V.
c. 51, sec. 51
amended.

N.B. The portion in Italics is the portion added.

No. 114.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend the Act intituled "An Act respecting the Municipal Institutions of Upper Canada," now Ontario, (29 and 30 Victoria, chapter 51.)

First reading, Dec. 4, 1868.

Mr. CALVIN.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

1- Reading 4 December 1888
2 " 16 January 1889
3 " 18 " "

No. 115.]

BILL.

[1868.

An Act for the Relief of the Toronto Street Railway Company, and to provide for the sale of their Railway, and for other purposes.

WHEREAS the interest on the Bonds issued by the Toronto Street Railway Company, and secured by a mortgage of the said Railway, and other the property of the said Company, to the Honourable William Cayley, as Trustee for the holders
5 of the said Bonds, is in arrear, and the Company has also become otherwise indebted, and judgment has been recovered against the said Company for a large amount, and the appointment of a receiver of the income and tolls of the said Company has been directed by the Court of Chancery for Ontario; and
10 whereas the said Railway is out of repair, and the keeping open of the Railway for traffic, which is of the utmost importance to the citizens of Toronto, is imperilled, and it is necessary that the said Railway and its franchises should be absolutely sold to secure the uninterrupted working of the said Railway;
15 Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. Notwithstanding anything in any law or Statute to the contrary, it shall be lawful for the said William Cayley, mortgagee in trust as aforesaid, or any judgment creditor of the
20 said Company, to proceed upon his mortgage or execution against goods, as the case may be, and sell thereunder the said Railway, and all its chattels, rights, privileges, franchises and appurtenances either by public auction or private contract, and whether the said William Cayley be in possession of the said
25 Railway or not, and any mortgagee or creditor of the said Railway Company may become the purchaser of the said Railway at such sale, and such sale shall extinguish all mortgages, bonds, judgments and claims whatsoever existing at the time of the said sale of such Railway; and by and under such sale
30 the said purchaser, his heirs, or assigns shall acquire a good title to the said Railway, and all the chattels, rights, privileges, franchises and appurtenances thereto belonging, or in any wise appertaining, freed and discharged from any claim and incumbrance whatsoever, and shall have full power to sell and dispose
35 of the said Railway, or to use and work the same upon the streets in the City of Toronto as now constructed, or upon such other streets as may be desirable or for the public interest; the authority or permission of the Corporation of the City of Toronto, or adjacent Municipality, for the removal or transfer
40 of the said Railway to such other streets, or the further construction of said Railway upon other streets than those now traversed by it, being first had and obtained by a by-law of such Corporation, duly passed for that purpose; and such pur-

chaser and the Corporation of the City of Toronto shall have power, and are hereby authorized, to enter into contracts for the grading, or altering the grades, or repairing of the streets so traversed, or to be traversed by the said Railway; and generally such purchaser shall, and may have, enjoy, exercise 5 and enforce all the rights, powers, claims, benefits, franchises and privileges granted to, or confirmed on, or held, possessed, or enjoyed by the said Railway Company by or under the Act of Incorporation of the said Street Railway Company, or any amendments thereof, as fully and effectually as if such charter 10 had been granted to such purchaser.

2. Such transfer may be effected by deed under the hand and seal of the said William Cayley, or of the Sheriff selling the said Railway, as the case may be.

3. The purchase money upon such sale, after paying the ex- 15 penses thereof, shall be paid to the several creditors of the Company according to their priorities as they may legally exist, or as may be settled by the said Court of Chancery; and such purchaser, his heirs or assigns may make such terms for the payment or security of the purchase money with such 20 creditors as they may agree upon, provided always, that nothing herein contained shall prevent, nor shall any law or practice to the contrary prevent any mortgagee or creditor of the said Company becoming the purchaser of the said Railway as afore- 25 said.

4. This Act shall be deemed a Public Act, and the Interpretation Act shall apply to it in so far as it is not inconsistent with the provisions of this Act.

BILL.

An Act for the relief of the Toronto Street Railway Company, and to provide for the sale of their Railway.

PRIVATE BILL.

First reading: Dec. 4, 1868.

Hon. Mr. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

2
3
Reading 4 December
22 January 1869
22

No. 116.]

BILL.

[1868.

An Act to confer certain powers on Trustees and Executors.

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. Trustees or Executors having trust money in their hands, 5 which it is their duty, or which it is in their discretion to invest at interest, shall be at liberty at their discretion, to invest the same in any stock, debentures or securities of the Government of the Dominion of Canada, or of this Province, and such Trustees or Executors shall also be at liberty at their discretion, 10 to call in any trust funds invested in any other securities than as aforesaid, and to invest the same in any such stock, debentures or securities aforesaid, and also from time to time at their discretion, to vary any such investments as aforesaid, for others of the same nature, and any such moneys already invested in 15 any such stock, debentures or securities as aforesaid, shall be held and taken to have been lawfully and properly invested.
2. It shall be lawful for any Executors to pay any debts or claims upon any evidence that they may think sufficient, and to accept any composition or any security, real or personal, for 20 any debts due to the deceased, and to allow any time for payment of any such debts as they shall think fit, and also to compromise, compound, or submit to arbitration all debts, accounts, claims and things whatsoever, relating to the estate of the deceased, and for any of the purposes aforesaid, to enter 25 into, give and execute such agreements, instruments of composition, releases and other things, as they shall think expedient, without being responsible for any loss to be occasioned thereby.
3. This Act shall apply and extend to both present and future Trustees and Executors.
- 30 4. None of the powers hereby conferred shall take effect, or be exercisable by virtue of this Act by any Trustees or Executors, if it is or has been expressly declared in the deed-will or other instrument creating such Trustees or Executors, that such Trustees or Executors shall not have such power.
- Trustees or Executors may invest trust moneys in stock or securities of the Dominion or of this Province.
- Executors may pay debts, &c., on evidence they consider sufficient.
- May accept composition as security for debts, &c.
- May compound debts, &c., and refer to arbitration.
- Investments already made in such stocks, &c., to be held properly invested.
- Act to apply to present and future Trustees and Executors.
- Powers not to be exercised, if contrary declared in instrument creating Trustees or Executors.

No. 116.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to confer certain powers on Trustees
and Executors.

First reading, Dec. 4, 1868.

ATTY.-GEN. MACDONALD.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

1868.

HER Majesty, by and with the advice and consent of the
Legislative Assembly of Ontario, enacts as follows:

2. The second section of the said Act shall be amended by striking out the words "Presiding Judge," and inserting the words "Chief Justice" in lieu thereof; and by striking out the words "Presiding Judge of the Court of Error and Appeal in 15 Upper Canada," and inserting the words "Chief Justice of the Court of Error and Appeal in Ontario" in lieu thereof.

No. 117.

2nd Session, 1st Parliament, 32 Victoria, 1868

BILL.

An Act respecting the Court of Error and
Appeal, in the Province of Ontario.

First reading, 7th Dec., 1868.

Attorney General MACDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

1 - Reading / Bill
Discharged 18 January 1869

No. 118.]

BILL.

[1868.

An Act to amend the "Act respecting the qualification of Justices of the Peace."

WHEREAS doubts have arisen as to the meaning and interpretation of the "Act respecting the qualification of Justices of the Peace;" Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. That for add notwithstanding anything in the said Act contained, the lands, tenements or real estate constituting the whole or any part of the qualification of a Justice of the Peace, shall be deemed to be held by a sufficient tenure within the meaning of the said Act, notwithstanding that the same may be subject to a mortgage in fee or for a term of years. Property qualification good, although under mortgage.
2. No action shall be brought or maintained against any Justice of the Peace for having heretofore acted, or hereafter acting as such, without being duly qualified according to the true intent and meaning of the said Act, by reason of the lands, tenements or real estate constituting the whole or any part of his qualification not being held by him in free and common socage, or being subject to any incumbrance by mortgage or otherwise; Provided the beneficial interest and equitable Estate and ownership in the said lands, tenements or real estate of the said Justice of the Peace, over and above all incumbrances affecting the same, be of the value and amount by the said Act required. Indemnity. Proviso.

No. 118.

2nd Session, 1st Parliament, 32 Victoria, 1868

BILL.

An Act to amend the "Act as to the qualification of Justices of the Peace."

First reading, Dec. 7th, 1868.

Mr. COYNE

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1. Naming / Section
Dropped 23 January 1869

No. 119.]

BILL.

[1868.

An Act to amend the Common School Acts of (Upper Canada), Ontario.

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The office of Local Superintendent of Schools in Town-
5 ships, Cities, Towns and Villages, is hereby abolished.
2. In each County, or Union of Counties, there shall be one Superintendent-
Superintendent of Schools, to be called County Superintendent, ents of Schools
except where there are more than one hundred Common Schools, in each
in a County or Union of Counties, in which case, it shall be law- County.
10 ful to appoint a second County Superintendent.
3. Each City shall be a County, for the purposes of this Act, Cities Counties
and the Superintendent shall be called the City Superintendent, for that pur-
and shall possess all the powers of a County Superintendent, pose.
except such as relate to investigating and deciding on School
15 Trustee election complaints, which now by-law devolve on the
County Judge.
4. The qualifications of County and City Superintendents Their qualifi-
shall from time to time be prescribed by the Council of Public cations.
Instruction, which shall determine the time and manner of exam-
20 ination of candidates, for certificates of qualification, and grant
certificates of qualification; and no one not holding such certifi-
cate of qualification, shall be eligible to be appointed a Superin-
tendent.
5. Each County and City Council shall nominate from among How appoint-
25 those holding the necessary certificate of qualification, one person ed.
to be Superintendent of Common Schools in such City or County,
and in Counties where there are or shall be more than one hun-
dred Common Schools, the County Council may nominate two
persons holding such certificates to be Superintendents and pre-
30 scribe the territorial limits of each, and the Lieutenant Governor
in Council, shall appoint the person or persons so nominated, to
hold office during pleasure.
6. Each Superintendent so appointed, shall have the oversight Their jurisdic-
of all Common Schools in the Towns, Villages and Townships tion.
35 within the County or Union of Counties, or part of the County or
Union of Counties for which he shall be appointed, and shall have
all the powers in each Municipality within his jurisdiction, and
be subject to all the obligations now conferred or imposed by law,
upon "Local Superintendents," and which are conferred or im-
40 posed by this Act, according to such instructions as may be given
to him, from time to time by the Minister of Public Instruction.

Their remuneration.

7. The salary of a County or City Superintendent shall not be less than at the rate of six hundred dollars per annum, and not more than at the rate of twelve hundred dollars per annum, and shall be paid quarterly, of which the sum of three hundred dollars shall be defrayed and borne out of the Consolidated Revenue of the Province, and the balance shall be provided by the City or County Councils. 5

Their authority.

8. The County Superintendent shall have authority to decide upon the adequacy and suitableness of school accommodations; and should any school Corporation not provide satisfactory accommodations within twelve months after they have been notified by the County or City Superintendent, of the inadequacy or unsuitableness of the school accommodation provided, such School Corporation shall not be entitled to share in the Legislative School Grant. 10 15

Boards of Examiners to be appointed.

9. Each County and City Council shall appoint a County or City Board of Examiners, for the examination and licensing of Teachers, consisting of the County Superintendent or Superintendents, and two other competent persons whose qualifications shall, from time to time, be prescribed by the Council of Public Instruction. 20

Salaries of Teachers.

10. The minimum salary of any legally qualified male teacher shall be at the rate of three hundred dollars per annum, and the minimum salary of any legally qualified female teacher shall be at the rate of two hundred dollars per annum; and no legally qualified teacher, after having been employed six months in a Common School, shall be dismissed without the concurrence of the County Superintendent expressed in writing. 25

Board of Common School Trustees may be appointed.

11. The Municipal Council, of any Township, shall have authority to establish a Township Board of Common School Trustees, as now provided by law, at the request of the majority of the school sections of such Township, expressed at the annual school meeting, or a special school meeting of such sections. 30

By-law not to take effect before a year from 25th December following, unless, &c.

12. No By-Law or resolution of a Township Council to alter the boundaries of a school section, shall take effect before the expiration of one year from the the 25th of December next, after the passing of such By-law or resolution, unless at the request of the majority of the rate-payers of such section; and in the event of a change in the limits of a school section, any ratepayer in the section affected, shall have the right to appeal to the County Superintendent, whose duty it shall be to decide whether or not such change shall be made. 35 40

Notice to Municipality of formation or alteration of School Section.

13. On the formation or alteration of a Union School Section or Division, under the authority of the fifth section of the School Law Amendment Act of 1860, it shall be the duty of the County Superintendent, concerned forthwith, to transmit a copy of the resolution, by which the formation or alteration was made, to the Clerk of the Municipality affected by such resolution. 45

Penalty for neglect to prepare map of Division.

14. Should such Clerk neglect or refuse to prepare and furnish the map of the School Divisions of his Municipality, as required by the forty-ninth section of the Consolidated School Act, he 50

shall render himself liable to a penalty, not exceeding ten dollars, to be recovered before a Magistrate for the school purposes of his Municipality, at the instance of any ratepayer thereof.

15. All the Common Schools shall be Free Schools; and the Trustees of School Sections, or Township Councils, and the Municipal Councils of Cities, Towns and Villages, shall, in the manner now provided by law, levy and collect a rate upon all the taxable property of the School Division or Municipality, to defray the expenses of such schools, as determined by the Trustees thereof.

16. Every child, from the age of seven to twelve years, inclusive, shall have the right to attend some school for six months in each year; and any parent or guardian who does not provide that each child under his care shall attend some school, as thus of right declared, shall be subject to the penalties hereinafter provided by this Act; Provided always, that the absolute right of selecting either a public or private school, for the attendance of any child, shall be with the parent or guardian of such child.

17. It shall be competent for the Police Magistrate of any City or Town, and for any Magistrate in any Village, or Township, or Town, where there is no Police Magistrate, to investigate and decide upon any complaint made by any person against any parent or guardian for the violation of the foregoing sixteenth section of this Act, and to impose a fine, not exceeding dollars, and imprisonment until paid, for the first wilful offence, and double that penalty for each subsequent offence, which fine and penalty shall be enforced as provided in the one hundred and fortieth section of the Consolidated School Act; Provided always, that it shall be the duty of such Magistrate to ascertain, as far as may be the circumstances of any party complained of, and whether such alleged violation has been wilful, or has been caused by extreme poverty, or too great a distance from any school, or the child is being otherwise educated, and in either of the latter cases, the magistrate shall not award punishment, but shall report the circumstances to the Trustees of the division in which the offence has occurred.

18. The Trustees of any school section or municipality shall have the same authority to provide a residence for a school teacher, that they now have by law to provide school accommodations;

19. The report of the School Trustees required by law to be laid before the annual school meeting, shall include a summary of their proceedings and state of the school during the year, together with a detailed statement of receipts and expenditure, signed by either or both of the School Auditors of the section, and in case of difference of opinion between the Auditors on any matter in the accounts, it shall be referred to and decided by the County Superintendent.

20. Should the Secretary of a Trustee Corporation neglect or refuse at any time to give notice of a School Trustee meeting, it shall be lawful for any Trustee to do so, by giving notice of such meeting to his colleagues.

Moneys collected to be paid to Secretary.

21. All moneys collected in any School Section by the Trustee Corporation, shall be paid into the hands of the Secretary-Treasurer thereof; and should the Trustees refuse or neglect to take proper security from such Secretary-Treasurer, they shall be held to be personally responsible for such moneys, and the provisions of the 137th Section of the Consolidated School Act, shall apply to them. 5

Chairman of meeting to make declaration of office.

22. Any Chairman of a School meeting, who may be elected School Trustee at such meeting, shall make the declaration of office now required of Trustees by law in presence of the Secretary of such meeting. 10

When Trustees or public meeting neglect to appoint Arbitrator under School Act.

23. Should the majority of the School Trustees, or the majority of a Public School meeting, neglect or refuse, in a case of difference in regard to a school site, to appoint an arbitrator, as provided in the thirtieth section of the Consolidated School Act, it shall be competent for the County Superintendent with the Arbitrator appointed, to meet and determine the matter, and the County Superintendent shall have a second or casting vote in case they should not agree. 15

Majority may award if the others do not attend.

24. Should only a majority of the Arbitrators appointed to decide any case under the authority of the School Laws of this Province be present at any lawful meeting, in consequence of the neglect or refusal of their colleagues to meet them, it shall be competent for them to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days. 20 25

On appeal from County Court Judge, he shall certify proceedings.

25. Any Division Court Judge, receiving an intimation of appeal from his decision, under the authority of the one hundred and eighth, and five following sections of the Consolidated School Act, shall thereupon certify under his hand to the Minister of Public Instruction, the statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto. 30 35

Inconsistent enactments to conform to this Act.

All Acts and parts of Acts inconsistent with the provisions of this Act, as far as they shall affect this Act, but not to any greater extent are hereby repealed. 35

1- Reading & Second
2
3
19
13 January 1869

No. 120] **BILL.** [1868.

An Act to Incorporate "The Caledonia Peat Manufacturing and Smelting Company."

WHEREAS certain persons have, by their petition, prayed Preamble.
that they may be incorporated under the title of the
"Caledonia Peat Manufacturing and Smelting Company," for
the purpose of manufacturing peat fuel in the Township of
5 Caledonia, and other Townships in the County of Prescott, and
of transporting the same to a market, or to smelting works, by
means of a canal or railway, or both, connecting the peat beds
with the navigable waters of the Ottawa River, as well as for
the smelting of ores by means of said fuel, or for other purposes
10 requiring its use, at or near its place of production; and whereas
it is expedient to grant the prayer of the petitioners; There-
fore, Her Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows :—

15 **1.** The Honourable John Hamilton, Allan Gilmour, Peter Redpath, Thomas Reynolds, Edward M. Hopkins, R. W. Shep-
herd, G. T. Drummond, Henry Lyman, Edwin Atwater, Walter
Shanley, James Hodges, the Honourable Thomas Ryan, Hugh
Allan, W. G. Perley, J. C. T. Cochrane, Romeo H. Stephens,
20 B. Hutchins, J. M. Currier, Horace Merrill, H. O. Burritt,
Thomas C. Keefer, and such other persons as now are, or here-
after shall become shareholders of the said Company, shall be,
and they are, hereby made and constituted a body corporate Corporate
and politic, by and under the name of "The Caledonia Peat name.
25 Manufacturing and Smelting Company."

2. The capital stock of the Company shall be two hundred Capital and
thousand dollars, in shares of twenty dollars each. shares.

3. The Company may commence operations, and exercise the Proviso : as to
powers hereby granted, so soon as twenty thousand dollars of commencing
30 the capital stock shall be subscribed, and ten per cent thereon operations.
paid up.

4. The Company is hereby authorized and empowered to Power to con-
construct, maintain and use a double or single railway, or tram- struct railway
way of wood or iron, or both, and a canal, with all necessary or tramway,
35 locks, dams, wharves, piers and booms, from any point in the and take land
Townships of Caledonia or of Alfred to the navigable waters of therefor.
the Ottawa River, or in connection therewith, either direct or
by the route of the South Nation River, and may take any land
required for the right of way of said railway, and for the con-
40 struction of the said canal, at a fair valuation, under the provi-
sions of the eleventh section of the Railway Act, in that behalf,

Provisions of
22 Vic., cap.
64, incorporat-
ed with this
Act.

headed "Lands and their valuation," which shall apply to this Company, and the said Company shall likewise possess all the powers with respect to harbors, wharves, piers, in connection with their works, and with respect to water courses, and public or private lands, which are granted to Mining Companies by the Act respecting Mining Companies, 22 Vic., cap. 64, Consolidated Statutes, the provisions of which last recited Act are hereby incorporated with this Act, in so far as they are not inconsistent with the same. 5

Directors, and
when, and
how elected.

5. The affairs of the Company shall be under the control of, and shall be managed and conducted by a board, to consist of not less than three, nor more than nine, Directors, three of whom shall form a quorum. The Directors, to be elected under the provisions of this Act, shall each be stockholders to an amount of not less than five hundred dollars, or such other sum as may be established by any by-law of the Company, and shall be elected on the first Tuesday in May of every year, after that in which the Company first goes into operation, at the office of the Company, and all such elections shall be by ballot, by plurality of the votes of the stockholders present, or by proxy, each share to have one vote. 10 15 20

Provisional
Directors.

6. Edward M. Hopkins, Walter Shanly, James Hodges, R. W. Shepherd, H. O. Burritt, Thomas Reynolds and Thomas C. Keefer shall be the first Directors of the said Company, and shall severally hold their offices until the first election of Directors, which first election may take place so soon as the amount of stock is subscribed, and the per centage thereon paid up, which is prescribed in the 3rd section of this Act; and for the purposes of this election, the Directors, herein named, may appoint any place in the City of Montreal, or in the City of Ottawa, where such election may be held, by ballot as aforesaid, by giving ten days previous notice, to be published in one or more of the daily papers in either of said cities, at least three several times, as also by notice mailed to the address of each shareholder. 25 30

President.

7. The Directors, herein named, as well as those hereafter to be elected, shall, as soon as may be, elect one of their number to be President, at the office of the Company, or at any other place at which a quorum may be present. The elected Directors shall continue in office one year, or until others shall be chosen to fill their places; and if any vacancy shall at any time occur in the office of President or Director, the remaining Directors shall fill up such vacancy for the remainder of the year. The President shall have a vote as Director at all meetings of the board, and, in a case of a tie, shall have the casting vote likewise. 35 40

Vacancies.

8. If the election of Directors be not made on the day appointed by this Act, the Company shall not, for that reason, be dissolved, but the stockholders may hold the election on any other day in the manner provided for by any by-law previously passed, either by the Directors or stockholders for that purpose; and all the acts of the Directors until their successors shall be elected, shall be valid and binding on the Company. 45 50

Powers of
Directors.

9. The Directors of the Company shall have power and autho-

rity to make, amend, repeal and re-enact all such by-laws, rules, resolutions and regulations as shall appear to them proper and necessary, touching the well ordering of the Company; the number of its directors, their qualification and a quorum thereof; 5 the making of calls; the acquisition arrangement and disposition of its stock property and effects, and of its affairs and business; the entering into arrangements and contracts with the Municipalities or other Corporations or individuals; the declaration and payment of dividends; the form and issuing of stock 10 certificates, transfers and registration; the allotment and forfeiture of stock; the calling of special and general meetings of the Company; the appointment removal and remuneration of all officers, agents, clerks, workmen and servants of the Company, and generally to do all that may be necessary to carry 15 out the objects and exercise the powers incident to the Company.

10. The Company may purchase, lease, hold, acquire and transfer all real and personal estate, necessary for carrying on the operations of the Company, and for transporting its ores, 20 fuel, manufactures or other property. The Company may acquire land.

11. The stock of the Company shall be deemed personal estate, and shall be transferable in such way as the Directors shall by by-law direct. Stock, personal property.

12. The Company is hereby authorized to increase their capital stock whenever a majority of the stockholders, called as 25 provided in the Act relating to Joint Stock Companies, 22 Vic., chap. 63, sec. 39, shall decide to make such increase, and the provisions of said Act for increasing the capital stock, from sec. 39 to 46 both inclusive, are hereby incorporated with this 30 Act in so far as they are not inconsistent with the same. Increasing capital. Certain provisions of 22 Vic., cap. 63, to apply.

13. The Directors of the Company may from time to time borrow for the purposes of the Company, any sum or sums of money not on the whole exceeding one hundred thousand dollars, by the issue of bonds or debentures, in sums of not less 85 than one hundred dollars, on such terms as they may think proper, and may pledge all the property, income of the property, or any part thereof, for the repayment of the money so raised or borrowed, and the payment of the interest thereon, provided always that the consent of three-fourths in value of the stock- 40 holders of the Company shall be first had and obtained at a special meeting to be called and held for that purpose, provided also, that the said Company shall be authorized at any time to borrow a sum not exceeding the amount of the capital stock then paid up. Company may borrow money to a certain amount. And issue debentures. And mortgage property. For a certain amount.

45 14. The Company shall have power to extend their peat excavations, canal, or railway tracks, upon, along and across any of the unoccupied road allowances in the immediate vicinity of their works, with the consent of the Municipalities within which or between which, said road allowances may be 50 situated; and the said Municipalities are hereby authorized to enter into agreements with the Company for the granting of so much of said road allowances as may be required in the manufacture and transportation of peat fuel, or in the smelting of ores, or for other purposes. The Municipalities of the town- Powers of extension. Where, and how exercised.

ships of Alfred and Caledonia, or of the United Counties of Prescott and Russell, are hereby authorized to promote the objects of this Company, either by taking stock in or granting a bonus to it, or by exempting the property of the Company from taxation to any extent they may deem advisable; and the said Municipalities may enter into arrangements with the said Company for the drainage of lands in the said townships, by means of the canals and other excavations of the said Company. 5

15. The Company may enter into agreements with, purchase from or sell to, the Caledonia Springs Company, or the Canada Iron Mining or Manufacturing Company, the whole or any part of the property of either Company, or may amalgamate with them on such terms as may be agreed upon. 10

Power to enter into agreement with purchase from, or sell to, or amalgamate with, the Caledonia Springs Co., or the Canada Iron Manufacturing Co. Or the Ottawa River Navigation Co. and other Companies:

The Company may also enter into arrangements with the Ottawa River Navigation Company, the Ottawa and Rideau Forwarding Company, or any other water Transportation Company or Railway Corporation existing in future for the transportation of peat, ores and manufactures, the purchase and sale or towage or haulage of boats, barges and cars. 15

16. The Company may establish its head office either in the city of Montreal or Ottawa, or in the County of Prescott. 20

Head-office of Company.

17. This Act shall take effect immediately, and shall be deemed and be a Public Act.

Public Act.

No. 120.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to Incorporate "The Caledonia Peat Manufacturing and Smelting Company."

First reading, Dec. 8, 1868.

Mr. R. W. SCOTT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1. Amending & Repealing
Discharged —

No. 121.]

BILL.

[1868.

An Act for providing for Industrial Schools.

WHEREAS it is of great importance to this Province of Preamble.
Ontario, that Industrial Schools be established for edu-
cating, clothing and maintaining destitute children, who are
found begging on the streets, and who have no visible means of
5 support; Her Majesty, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario, enacts as
follows:—

1. This Act may be cited for all purposes as the Industrial Title of Act.
School Act of 1868.

10 2. The following words and expressions shall have the mean- Interpretation.
ings hereby assigned to them respectively, unless there be some-
thing in the subject or context repugnant to such construction:

Managers shall include the Directors, Managers, or other
persons who have the management or control of any Industrial
15 or training School, as is hereinafter mentioned. Parent shall
include any person legally liable to maintain a child.

3. The Provincial Secretary may, upon application of the Provincial
Managers of any Institution in Ontario, in which industrial Secretary to
training is provided, and in which children are clothed, lodged appoint persons to ex-
20 and fed, as well as taught, appoint such person or persons as he amine condi-
may think fit, to examine into the condition of the Institution, trial Schools.
and to report to him thereon, and if satisfied with such report,
he may, by writing under his hand, certify that such Institution
is fitted for the reception of such children as may be sent there
25 in pursuance of this Act, and shall cause a copy of the certificate
to be sent to the Clerk of the Peace of the County in which the
Institution is situate, and to the Clerk of every City, Town and
Village within such County, and thereupon such Institution
shall be a lawful Industrial School under the provisions of this
30 Act.

4. Every such Industrial School shall, from time to time, and Schools to be
at least once in each year, be inspected by a person to be inspected
appointed by the Provincial Secretary; and it shall be lawful for yearly.
the Provincial Secretary, if dissatisfied with the condition of such
35 School as reported to him, by notice under his hand, addressed
to the Managers of such School, to declare that the certificate is
withdrawn from and after a day to be specified in such notice,
not less than two months after the date thereof.

5. Any such notice, as aforesaid, may be served on the Managers Notice of cer-
40 of such School, by delivering the same personally to any one of tificate with-
them, or by sending it by post or otherwise in a letter addressed drawn, to be
served.

to them or any of them, at the said School, or, at the usual or last known place of abode of any Manager, or of the authorized Secretary, and shall cause a copy of the notice to be sent to the Clerk of the Peace of the County in which the school is situate, and to the Clerk of every City, Town and Village within such County, and any school, on the Manager of which such notice has been served, shall, from and after the day therein specified, cease to be a certified Industrial School within the meaning of this Act. 5

Managers may require certificates to be withdrawn.

6. The Managers of any certified industrial School may, upon giving six months previous notice of their intention so to do, in writing under the hand of one or more of them, or of the authorized Secretary, require the Provincial Secretary to withdraw the certificate given to such school, and accordingly at the expiration of six months from the date of the notice, such certificate shall be deemed to be withdrawn, and from thenceforth it shall not be lawful to send or receive there any more children under this Act; but the Managers of a certified Industrial School shall not, except in manner provided by this section, have power without the consent of the Provincial Secretary, expressed in writing, to withdraw from the obligation of educating, clothing, lodging, and feeding any children that, at the time of the giving such notice may, be in the school, in pursuance of the provisions of this Act, until the certificate be withdrawn, or until such children be removed to some other Industrial School by order of the Provincial Secretary; and if such Managers make default in so doing, they shall incur a penalty not exceeding twenty dollars for each default, to be recovered in manner hereinafter mentioned. 10 15 20 25

Children of certain class may be sent to such school.

7. Children of the description hereinafter mentioned may be sent to certified Industrial Schools, in pursuance of the provisions of this Act; That is to say:— 30

1. Any child, apparently under the age of fourteen years, found in Ontario begging, or receiving alms, or being in any street or public place, for the purpose of begging or receiving alms. 35

2. Any child, apparently under the age of fourteen years, that is found wandering in Ontario, and not having any home or settled place of abode, or any visible means of subsistence, or who frequents the company of reputed thieves. 40

3. Any child, apparently under the age of twelve years, who having committed in Ontario an offence punishable by imprisonment, or some less punishment, ought, nevertheless, in the opinion of any Police Magistrate, or of two Justices of the Peace, regard being had as to its age, and to the circumstances of the case, to be sent to an Industrial School. 45

4. Any child under the age of fourteen years, whose parent represents that he is unable to control him, and that he desires such child to be sent to an Industrial School, in pursuance to this Act, and who, at the same time, gives such undertaking, or other security, as may be approved by the Police Magistrate or two or more Justices of the Peace, before whom he is brought, in pursuance of this Act, to pay all expenses incurred for the 50

maintenance of such child at school. Provided that no child, who, on being brought before the Police Magistrate or two or more Justices of the Peace, is proved to have been previously convicted of felony, shall be deemed to be within the provisions of this Act.

8. Any person may bring before the Police Magistrate of any City or Town, or before two or more Justices of the Peace for any County, any child that is hereinbefore declared to be liable to be sent to an Industrial School, and the Police Magistrate or Justices shall make full enquiry into all the facts of the case, and if satisfied on the result of such enquiry, that this Act applies to such child, and that it is expedient to deal with him under its provisions, may, by writing, under his or their hands and seals, order the child to be sent, for such period as he or they may think necessary for his education and training, to any certified Industrial School, whether situate within their jurisdiction or not, the Managers of which are willing to receive such child: subject to this qualification, that it shall be the duty of the Police Magistrate or Justices to select, if possible, an Industrial School conducted in accordance with the religious persuasion to which the parent of the child appears to them to belong: provided that the order of the Police Magistrate or Justices sending the child to school shall specify the religious persuasion to which the child appears to the Police Magistrate or Justices to belong; and it shall be lawful for a minister of that religious persuasion to visit the child at the school on such days, and at such times of the day, as may, from time to time be fixed by regulations, to be made by the Provincial Secretary for Ontario, for the purpose of instructing him in religion.

Police Magistrate may enquire and order child to be sent to Industrial School.

9. The Managers of any certified Industrial School may, at their discretion, permit any child, sent there in pursuance of this Act, to sleep or lodge at the dwelling of his parent, or of any trustworthy and respectable person, so that they educate, feed and clothe the child, in all respects as if he were lodging in the school itself; and that they report to the Provincial Secretary, in such manner as he may require, every instance in which they exercise a discretion under this section.

Managers may permit child to lodge with parents.

10. It shall be lawful for the Managers of any certified Industrial School to make all necessary rules, orders and by-laws for the regulation and management of the school under their charge, not repugnant to the provisions of this Act, but no such rules, orders or by-laws shall be enforced until they have been submitted to, and approved by, the Provincial Secretary.

And may make rules, etc.

11. No child shall, in pursuance of this Act, be detained against his consent in any certified Industrial School after he has attained the age of fifteen years.

No compulsory detention after fifteen.

12. The Provincial Secretary may, from time to time, by writing, under his hand, remove any child, sent to an Industrial School in pursuance of this Act, from one certified Industrial School to another, so that the whole period of the detention of such child at Industrial Schools be not thereby increased; he may may also, in like manner, discharge any child from an Industrial School, either absolutely, or upon condition of the parent of such child, or any near relation, undertaking to edu-

Provincial Secretary may remove child or discharge from school.

cate, clothe and feed him, or entering into such other undertaking as the Provincial Secretary may require.

Two Justices
or Police
Magistrate
may discharge.

13. On the application of the parent, or of the managers, or of the guardians who may be liable to make any repayment as aforesaid, on account of any child, any Police Magistrate, or two or more Justices of the County in which the school is situate, if satisfied that a suitable employment has been provided for the child, or that there is other sufficient cause, may discharge the child from the school before the full expiration of the period for which he has been sent there. 5 10

And make an
order on parent
for payment
for maintenance:

14. The Police Magistrate or Justices, by whom any child is sent to school in pursuance of this Act, or any Police Magistrate or two or more Justices having jurisdiction within the Municipality, wherein the said school is situate, to which any child is sent in pursuance of this Act, or in which the parent of such child will reside, upon an application made by any person appointed by the Provincial Secretary for Ontario for that purpose, or by any agent of such person, shall have authority to make an order on the parent of such child, for the payment either at the time of the child being first sent to school, or at any time during his continuance at school, of the expenses of his maintenance at school, to an amount not exceeding 15 20
for every week during which the child remains at such school.

And may
specify the
time and
amount, &c.

15. The order made by the Police Magistrate or Justices, may specify the time during which the parent is to pay the sums thereby directed to be paid, or it may be indefinite, or until further order, and any Police Magistrate, or two or more Justices of the Peace having jurisdiction to make such order, may from time to time vary the same whenever circumstances require it, on the application, either of the parent or of any person appointed by the Provincial Secretary, to receive the money, or by the agent of such person, on fourteen days' notice being first given of such application to such person or his agent, or to such parent respectively. 25 30 35

If child
absconds, or
refuses to
conform.

16. If any child, whether lodging in the school or elsewhere, before attaining the age of fifteen years, or before being duly discharged, wilfully absconds from the school to which he is sent, in pursuance of this Act, or neglects to attend thereat, or wilfully refuses to conform to the regulations thereof, any Police Magistrate, or two or more Justices having jurisdiction in the place in which the school is situate, or in which the child is retaken, may, by writing under his or their hands and seals, order him to be sent back to the school, and to be detained there until he attains the age of fifteen years, or for such shorter period as the Police Magistrate or Justices think fit. 40 45

Penalty for
withdrawing
or concealing
child, &c.

17. Any person who directly or indirectly withdraws a child from the certified Industrial School, to which he has been sent, previously to his attaining the age of fifteen years, or being duly discharged, or who induces or aids him to abscond, or who knowingly conceals or harbours him, or in any way prevents his return, shall, for every such offence, incur a penalty not exceeding twenty-five dollars, or shall be liable at the discretion of the Police Magistrate, or two or more Justices, to be imprisoned for any period not exceeding twenty days. 50 55

18. Penalties may be recovered, and payments may be enforced under this Act, in manner provided by chapters 103 and 105 of the Consolidated Statutes of Canada, and the several Acts amending the same. How penalties recovered.

19. Whenever the Provincial Secretary for Ontario grants a certificate to, or withdraws it from, any school in pursuance of this Act, he shall cause a notice of such grant or withdrawal to be published in the *Ontario Gazette* within one calendar month; and such publication shall be sufficient evidence of the fact in all proceedings before Police Magistrates, Justices, and other Courts. Notice of certificate to or withdrawal from, school, to be published.

20. The order made by the Police Magistrate or Justices sending any child to a certified Industrial School, shall be forwarded to the managers thereof, and shall be a sufficient warrant for the detention of the child. Police Magistrates order authority to detain.

21. Whenever it is necessary to prove that any school is duly certified under this Act, the production of an attested copy of the certificate, or of the notice published in the *Ontario Gazette*, shall be sufficient evidence thereof, and the production of the order under which any child has been sent to, or is detained in, any certified Industrial School under this Act, or a copy of such order, with a memorandum signed by one of the managers, or their authorized Secretary, or by the superintendent, or master or matron of any such school, that the child named in such order was duly received into, and is at the signing thereof detained in such school, or has been otherwise disposed of according to law; and the production of any order made under this Act, or a copy thereof, certified by the Clerk to the Police Magistrate or Justices, making the same, to be a correct copy, shall, in all proceedings whatsoever, be sufficient evidence of the due making and signing of all or any of such orders, memorandum and certificate respectively, and of the sending, detention and identity of the child or parent named in such orders respectively, without proof of the signatures of the Police Magistrate or Justices, or other persons appearing to have signed the same respectively. Copy of certificate, or published notice, evidence.

22. No summons, notice, or order made for the purpose of carrying into effect the provisions of this Act, shall be invalidated for want of form only, and the form in the Schedule to this Act annexed, or any form to the like effect, may be used in the case to which it refers, and when used shall be deemed sufficient. Summons, notice or order not invalid for want of form.

23. Whenever any parent shall have voluntarily placed any child in the care of the Managers of any Institution certified under this Act, the parent of such child shall not be entitled to remove such from the care of such Managers, unless the Police Magistrate, or two or more Justices having jurisdiction in the Municipality wherein the said Institution is situate, or wherein the parent shall then reside, shall order the removal of such child upon being satisfied that the parent can and will properly and virtuously maintain, clothe, educate and train such child. Parent not to withdraw child, without order of two Justices or Police Magistrate.

SCHEDULE.

Order, sending child to industrial school :
121—2

Form 3

To wit: } To Constable,
 } and to the Managers of the
 } Certified Industrial School, at

WHEREAS a certain child named A. B., was this day brought before me (or us) under the Provisions of the Industrial School Act of 1868: now, therefore, I (or we) the said being satisfied that the said Act applies to such child, and that it is expedient to deal with him (or her) under its provisions, order you, the said Constable in pursuance of the said Act, to take the said child and him (or her) safely convey to the certified Industrial School an aforesaid, and there to deliver him or her together with this order, and I (or we) do hereby command you the said Managers to receive the said child into your charge in the said school, and there to detain, educate, clothe and feed him or her for the period of from the date hereof.

No. 121.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act for providing for Industrial Schools.

First reading, Dec. 8, 1868.

Mr. Wood.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

1 - Reading
2
3
" " " "
" 14 January 1884

No. 122.]

BILL.

[1868 -

An Act to amend "The Free Grants and Homestead Act of 1868."

HER Majesty, by and with the advice and consent of the Section 7 of
Legislative Assembly of the Province of Ontario, enacts 31 Vic., Cap.
as follows : 8, repealed.

1. The seventh section of "The Free Grants and Homestead New section
5 Act of 1868," is hereby repealed, and the following section is substituted.
hereby substituted in lieu of the section so repealed, and shall
be taken and read as the seventh section of the said Act :

"7. No person shall be located for any land under this Act or No locatee
said regulations, unless such person shall be of the age of eighteen under 18 years
10 years or upwards, nor shall any person be so located for any of age.
greater quantity than two hundred acres."

No. 122.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to amend "The Free Grants and Homestead Act of 1868."

1st Reading, December 8, 1868.

Hon. S. RICHARDS.

TORONTO

PRINTED BY HUNTER, ROSE & Co.

No. 123.]

BILL.

[1868.

An Act to quiet the Titles of persons holding Lands
previously sold for Taxes.

WHEREAS divers omissions, defects and irregularities have Preamble.

been made permitted and committed, in the rating of
lands in this Province, in the keeping of accounts with or against
the respective lots or parcels of such lands; in the advertisements
5 and publication of arrears of taxes being due on such lands, or
that they were liable to be sold for non-payment of such arrears :
in the advertisements and publication, that such lands would be
sold; in the adjournment of such intended sales; in the time,
place and manner of their sale, and in various other particulars
10 and respects, by reason whereof, great uncertainty, confusion and
litigation have ensued, and it is desirable to remedy the same :
Therefore, Her Majesty, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario, enacts as
follows :

15 1. All lands which were legally liable to be assessed, rated and
sold for non-payment of the arrears of taxes, charged against such
lands at the time of the sale thereof, and which have been sold
for such arrears three years prior to the passing of this Act, shall
be presumed to have been rightly assessed, and rated and sold for
20 such arrears, notwithstanding the omission, defect, irregularity
or insufficiency of any act, notice, advertisement, publication,
demand or proceeding whatsoever by any Assessor, Court of
Quarter Sessions, District Council, Municipal Council, Clerk of
the Peace, Treasurer, Sheriff or other Officer whatsoever, except
25 in all cases where such lands shall have been sold *bona fide* to a
purchaser without notice of such sale by the original owner
thereof, subsequent to such sale for taxes.

Certain sales
for taxes
made valid,
notwithstand-
ing irregular-
ities.

2. The production of the deed from the Sheriff or High Bailiff,
or the giving of secondary evidence thereof, where secondary
30 evidence is properly admissible, shewing that the land therein
mentioned, has been sold for arrears of taxes, shall be *prima facie*
evidence, that such lands were legally and actually liable to be sold,
and were legally sold for such arrears; and the party producing
such deed, or giving secondary evidence of the same, where properly
35 admissible, shall not be required to prove any other matter what-
soever in support of his title to such lands.

Production of
deed, *prima*
facie evidence
of legal sale,
without more.

3. Any party contesting the title of the purchaser at any such
tax-sale, or of any person claiming title by through from, or
under him, may shew that the land in question, could not by the
40 observance of any act, or by any means whatsoever under the
statutes relating to such assessments or sales, have been made
liable by law to taxation, or may shew that there were no suffi-

On what
grounds sale
may be defeat-
ed.

cient arrears of taxes due upon such lands, to warrant the sale thereof; but he shall not be at liberty to impeach or defeat the assessment or sale upon any other grounds whatsoever.

Courts may
avoid sales for
fraud.

4. The Courts of law and equity shall (notwithstanding anything in this Act contained) have power to declare void, cancel, 5
avoid and treat as of none effect, any such sale or Sheriff's or
High Bailiff's deed, made in pursuance thereof, on ground of
fraud in any or all of the requisites heretofore necessary to make
such sales valid, and to administer such relief as the nature and
constitution of the Court shall permit. 10

And rectify
sales and deeds.

5. The Courts of law and equity respectively, shall (notwith-
standing anything in this Act contained) have power on ground
of fraud, mistake or accident, to rectify any such sale or deed
where a part of any lot or parcel has been sold or conveyed instead
of another part of said lot or parcel, except in cases where the 15
rights of *bona fide* purchasers without notice would be prejudiced
thereby.

No sale invalid
for insufficient
discription.

6. No sale of land for taxes heretofore or hereafter made shall
be held to be invalid by reason of any defect or any uncertain or
insufficient description of the parcel sold by the Sheriff, High 20
Bailiff or Treasurer; and it shall be the duty of the Sheriff,
High Bailiff, Treasurer or other officer or his successor in office,
and he is hereby required in every such case where it can be
ascertained what parcel was intended to be sold and conveyed
when thereunto reasonably required at the proper costs and 25
charges of the party applying, to execute and deliver to the pur-
chaser of such land at such sale, or to his heirs, devisees, or
assigns such other and further deeds and assurances as may
be necessary for the remedying of any and every such defect
or description which last mentioned deeds and assurances 30
shall be valid and effectual in law to the same extent that they
would have been if executed and delivered in the first instance
instead of such defective deed and no further.

1. Reading
Discharged.

No. 124.]

BILL.

[1868.

An Act to provide for the Administration of Oaths in certain cases.

WHEREAS it is desirable that in cases hereinafter mentioned, Preamble.
some means should be provided to facilitate obtaining proofs
and evidence by affidavits; Therefore, Her Majesty, by and
with the advice and consent of the Legislative Assembly of the
5 Province of Ontario, enacts as follows :

1. That to enable any party to furnish verified statements of Certain state-
ments and
affidavits to be
sworn before
any Judge,
Mayor, &c.
facts of themselves or others to any Insurance Company doing
business in the Province of Ontario, in support of any claim for
loss or damage by fire, in which he or they may claim to be en-
10 titled under any Policy of Insurance, and according to the con-
ditions of such Company endorsed on the policy.

In cases of parties applying to the Crown Land Department of
said Province for the purpose of establishing any claim to un-
patented lands in said Province, and furnishing to said Depart-
15 ment any statements of themselves or others in support of the
same.

In matters of Bills of Lading of goods, chattels or merchandize
shipped, entered or sent to or from any part of this Province by
any public conveyance on land or water, to enable any party
20 interested therein legally to verify under oath any statement, and
shewing the ownership interest therein, or value thereof, in cases
where proof and evidence of facts in relation thereto shall be
required by any Consignee, Custom Department or Bailee.

And in cases of affidavits, or required or necessary written
25 statements, proving and verifying the execution of any deed or
instrument relating to lands situate in a foreign country.

In matters wherein written statements of accounts between
agent and principal are or shall be furnished by such agent to his
principal, and to duly verify the same.

30 It shall and may be lawful, from and after the passing of this Before whom
sworn.
Act, for any such written statements or affidavits aforesaid, to be
sworn to, or affirmed, by the party vouching for the truth thereof,
or making the same, before the Judge of any Court in this Pro-
vince, or before the Mayor or Chief Magistrate of any city, town,
35 village or township therein, or before any Commissioner
appointed to take affidavits in any of the Superior Courts of said
Province.

And the wilful making of any false written statement in such False state-
ment punish-
able.
oath or affirmation shall be punishable as wilful and corrupt
40 perjury.

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to provide for the Administration of
Oaths in certain cases.

1st Reading, Dec. 9th, 1868.

Mr. COYNE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1st Reading 10 December 1868
Discharged.

No. 125.]

BILL.

[1868.

An Act to amend Chapter Sixteen of the Consolidated Statutes of Upper Canada.

HER Majesty, by and with the advice and consent of the Preamble,
Legislative Assembly of the Province of Ontario, enacts
as follows:

1. In addition to section sixty-five of chapter sixteen of the Judge may
5 Consolidated Statutes of Upper Canada, it is hereby enacted authorize credi-
that the Judge of every Surrogate Court, on application, by tor to sue on
motion or petition in a summary way, by or on behalf of any bond in his
creditor of the intestate; and on being satisfied that the condi- own name.
tion of any such bond, as is mentioned in the said section, has
10 been broken, and that such bond has not already been assigned
under said section, may order that such creditor may sue on
such bond in his own name; in which case, such creditor shall
be entitled to sue on such bond, either at law or in equity, in
his own name, as if the same had been originally given to him,
15 instead of the Judge of the Court; and in the declaration in
such suit, it shall only be necessary to allege the execution of What must be
the bond that the plaintiff is such creditor, and how and in alleged.
what respect, and the breach of the condition; and such appli-
cations may be made, and suits brought on such bond, by other
20 creditors, from time to time, as occasion shall require.

2. A recovery in any such action shall be no bar, beyond the Recovery no
amount so recovered, to a second or subsequent suit on the same bar to suit by
bond by other parties. others.

3. The measure of damages in any such action shall be the Measure of
25 amount owing to the plaintiff as such creditor, to the extent of damages.
the obligor's unsatisfied liability on the bond in respect to
assets of the intestate not duly administered.

4. The provisions herein contained shall apply to, and affect To apply to all
bonds heretofore given, and still in force, as well as also to bonds.
30 bonds hereafter to be given.

5. Nothing herein contained shall prevent such bonds from Bonds still as-
being assigned, put in suit, and dealt with in the manner pro- signable under
vided in the sixty-fifth section of said Act, either before or after Cap. 16, Sec. 65
a recovery in any such actions; Provided always, that no obli- U. C.
35 gor in any such bond shall be liable to pay in the whole, by
virtue of the several actions, suits and proceedings authorized Limit of Lia-
by the said Act, or this Act or otherwise, more than the penal bility.
sum mentioned therein; and in case any thing beyond such
penal sum, or such obligor's unsatisfied liability on such bond,
40 shall be demanded, or sought to be recovered from him, in or by

any action or proceeding, he may either plead former *bona fide* recoveries against him, to the whole extent of his liability, or apply to the Court or a Judge to stay further proceedings in such action or proceeding.

No.

125

2nd Session, 1st Parliament, 32 Victoria, 1868

BILL.

An Act to amend An Act, respecting the
Surrogate Court.

1st Reading, December 10, 1868.

Mr. R. W. Scott,

TORONTO

PRINTED BY HUNTER, ROSE & Co.

No. 126.]

BILL.

[1868.

An Act to repeal and amend certain Acts and enactments therein mentioned.

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section three of chapter three of the Acts of the last session of the Legislature of this Province, entitled "*An Act to establish a Consolidated Revenue Fund for the Province of Ontario*," is hereby repealed, and the following clause enacted in lieu thereof, which shall be read and construed as if it had originally formed part of the said Act, instead of the said clause hereby repealed, that is to say :

Sec. 3, cap. 3,
Stat. Ontario,
31 Vic., re-
pealed.

"3. The Legislative Assembly shall not originate or pass any Vote, Resolution, Address or Bill for the appropriation of any part of the Consolidated Revenue Fund, or of any other Tax or Impost, to any purpose which has not been first recommended by a Message of the Lieutenant Governor to the said Legislative Assembly during the Session in which such Vote, Resolution, Address or Bill is proposed."

And new
clause substi-
tuted.

2. Section number six of chapter five of the Acts of the same Session, entitled "*An Act to repeal chapter twenty of the Consolidated Statutes of the late Province of Canada, entitled 'An Act respecting the Provincial Duty on Tavern-keepers,' and to make further provision respecting the same*," is hereby repealed.

Sec. 6, cap., 5
Stat. Ontario,
31 Vic.,
repealed.

3. The following words, forming part of section number two of chapter six of the Acts of the same Session, are hereby repealed, and the said section, number two of the said Act, shall be read as if the said words had never been inserted therein, nor formed a part thereof, that is to say : "*And any wilfully false statement made by any such witness, on oath or solemn affirmation, shall be a misdemeanor, punishable in the same manner as wilful and corrupt perjury.*"

Certain words
forming part
of clause 2,
cap 6, of same
Session
repealed.

4. The words "Parliamentary Elections" in section twelve of chapter thirty of the Acts of the same Session, entitled "*An Act to amend the Municipal Institutions Act of Upper Canada, twenty-nine and thirty Victoria, chapters fifty-one and fifty-two*," shall be held and construed to mean and apply to "Election of Members of the Legislative Assembly of Ontario only."

Meaning of
certain words,
Sec. 12, cap.
30, Stat.
Ontario, 31
Vic.

5. Sections numbers one and three of chapter seventeen of the Acts of the same Session, entitled, "*An Act to continue for a limited time the several Acts therein mentioned*," are hereby repealed.

Sec. 1 and 3,
Cap. 17 of
Stat. of
Ontario, 31
Vic., repeal-
ed.

Cap. 38, of 31 Vic., Ontario, repealed. **6.** Chapter thirty-eight of the Acts of same Session, entitled, "*An Act to Incorporate the Clifton Suspension Bridge Company*," is hereby repealed.

Cap. 64, Stat. Ontario, 31 Vic., repealed. **7.** Chapter sixty-four of the Acts of the same Session, entitled "*An Act to Incorporate the Board of Trade of the Town of Guelph*," is hereby repealed. 5

No. 126.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

To repeal certain Acts and Enactments of the Legislature of Ontario.

First reading, 11th December, 1868.

Attorney-General MACDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1st Reading 12 December 1868
Discharged 13 January 1869

No. 127.]

BILL.

[1868.

An Act to authorise the transfer of Prisoners for Reformatory purposes from the Jail of the city of Toronto to the Jail heretofore used as the Jail of the County of York.

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Assembly of the Province of Ontario, enacts as follows:

That it shall and may be lawful for the Sheriff of the County of York and city of Toronto to transfer any of the prisoners now imprisoned in the Jail of the City of Toronto, or hereafter to be imprisoned therein, to the Jail buildings of the County of York, commonly called the Old Jail, so that there shall not be a greater number at any one time than fifty in the said County Jail, upon the order or direction of any of the Judges of the Superior Courts, County Court or Police Magistrate, with a view to their better classification and moral reformation.

That the said County Jail shall, for all purposes, be deemed and taken to be a Jail, within the meaning of any law relating to Jails or Prisons in force in this Province.

That the said Sheriff shall and may appoint all necessary officers and turnkeys for the safe-keeping of the prisoners transferred to said County Jail, and may, in his discretion, remove any prisoner so transferred back to the said Jail of the city of Toronto.

That it shall be lawful for the said Sheriff to admit any respectable person or persons into the said Jail to converse with or instruct the prisoners therein, and to provide and furnish work to be performed by such prisoners in said Jail, and to allow such persons to have, sell and dispose of the work to be done or performed by such prisoners, and apply the proceeds thereof towards the cost and maintenance of such prisoners, or to appropriate any portion of such proceeds for the benefit of such prisoner as to such Sheriff may seem desirable.

Provided always, that the said Sheriff shall not transfer any prisoners as aforesaid until he shall have satisfactory security that no additional expense to the Corporation of the County of York or the Corporation of the city of Toronto will be caused by such removal or the maintenance of the said prisoners in said County Jail.

No. 127.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

An Act to authorise the transfer of Prisoners
from the Jail of the city of Toronto to the
old County Jail for Reformatory purposes

First reading, Dec. 12, 1868.

Hon. Mr. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1 - Reading 10 December 1868
Discharged 15 January 1869

No. 128.]

BILL.

[1868

An Act to facilitate the recovery of debts acknowledged in writing, and to lessen the costs on the collection of the same, in the Province of Ontario.

WHEREAS it is expedient and necessary to make better Preamble.
provisions for the recovery of debts, acknowledged in writing, than now by law exists, and to cheapen the expenses of collecting the same through the process of Courts of Law:
5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All debts contracted after the passing of this Act, settled by promissory note or accounts or contracts, settled by the debtor, fixing his, her or their signature of acknowledgement thereto, and shewing when such indebtedness is or shall become due and payable; if such indebtedness so acknowledged, remains unpaid for the space of twenty-five days after maturity, it shall merge into and become a judgment against such debtor or debtors without the usual process of law, provided such promissory note or other written evidence of debt is undisputed. Debts settled by note or acknowledged in writing, to become judgments without suit.

2. All such debts, before becoming judgments, shall be placed in the hands of the Clerk of the Court, having jurisdiction in the matter of such debts and such Clerk shall, upon receiving such written evidence of acknowledgement of indebtedness, and upon the *bona fide* holder, or his agent making oath before such Clerk, that such debt is justly due and owing, and has remained unpaid for the space of twenty-five days after maturity, and that such creditor requires the same to be entered and registered as a judgment in such Courts, enter judgment in such Court for such debts, in a book to be kept for that purpose; and shall issue execution upon such judgment, when ordered by the Judge of the said Court, the same as in other judgments. Proviso, if left with Clerk and sworn to, judgment may be entered.

3. All judgments obtained under the provisions of this Act, shall hold the real and personal estate (now liable by law to be seized under execution for debt) or debtors, until such judgment is fully paid and satisfied. Which shall bind real and personal estate.

4. When promissory notes of hand accounts or other such debt evidences as aforesaid are disputed, by any debtor, such debtor shall and may, on the day of the maturity of such debt, or within ten days thereafter, notify the Clerk of the Court where such judgments are to be entered, and shall enter or put in writing by himself or his agent, that he intends to dispute and contest the payment of such debt, setting forth in If debt disputed, notice to be given to the Clerk, &c.

writing, fully his grounds of defence for non-payment of debt: and the Clerks receiving such notice, shall not enter judgment upon such disputed debt, but notify immediately the Judge presiding in such Court, that such claim is to be disputed, also with a copy of such defendant's grounds of objection to payment; then, in that event, the usual process in law will be followed as in all disputed suits. 5

If defence
frivolous,
debtor liable
to costs.

5. If upon the examination of any cause, it shall be decided by the Court, having jurisdiction, that the debtor or debtors disputing the payment of a just debt, did so for frivolous or vexatious purposes, or to gain time, the defendant or defendants shall be liable to all costs and damages incurred on account of such frivolous defence, in the discretion of such Court. 10

No execution
till after sixty
days, and on
Judge's order.

6. Provided always, that on all judgments obtained under this Act, no execution shall issue until after the expiration of sixty days, and then only upon the order of the Judge having jurisdiction in the cause. 15

Fees.

The following fees shall be allowed, and no more by the Clerk:—

For receiving and filing claim. 20

Filing notice of disputed claim to be paid by applicant.

Notifying Judge and Copy of grounds of disputed claim to be paid by party entering judgment.

Issuing execution.

BILL.

Bill to facilitate the recovery of debts, acknowledged in writing, and to lessen the costs of collection of the same in the Province of Ontario.

First reading, Dec. 16, 1868.

Mr. McCall, (Norfolk).

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1 - Reading
Dropped 23 January 1869

No. 129.] **BILL.** [1868

An Act to amend the Grammar School Law of the
Province of Ontario.

HER Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows :

1. From and after the day of
- 5 the Boards of Grammar School Trustees in Cities, Towns, and
Villages shall cease to exist, and the Grammar and Common
Schools in the Municipalities or School Divisions, shall be under
the management of the Boards of Public School Trustees. And
each of such Boards shall be a Corporation, and in addition, to
- 10 the legal powers now possessed by Grammar and Common
School Trustees, shall succeed to all the property, rights, obli-
gations and powers of such Boards of Grammar and Common
School Trustees in such Municipalities or School Divisions.
2. The Members of the Boards of Public School Trustees shall
- 15 be elected and classified in the manner provided by law for the
election and classification of Common School Trustees in Cities,
Towns, Incorporated Villages and other School Divisions, as the
case may be; which elections shall be held on the second
Wednesday of July in each year, and the first election on the
- 20 first Wednesday in July next after the passing of this Act,
commencing at Ten o'clock in the forenoon.
3. The Grammar Schools shall be designated and known as
High Schools, in which provision shall be made for teaching
the higher branches of an English education, and the Latin and
- 25 Greek languages, to those pupils whose parents or guardians
may desire it, according to a programme of studies and regula-
tions which shall be prescribed from time to time by the
Council of Public Instruction, with the approval of the Lieut-
enant-Governor in Council.
- 30 4. All the provisions of the Grammar School Acts shall, as
far as is consistent with the provisions of this Act, apply to
High Schools, their trustees, head masters and other officers as
fully as they apply to Grammar Schools and their officers; and
the Board of Public School Trustees shall have the same power
- 35 to provide for the accommodation and support of High Schools,
as they have, or may have by law to provide for the accommo-
dation and support of the Common Schools under their manage-
ment.
5. The Grammar School Fund shall be exclusively applied
- 40 in aid of High Schools, except as otherwise provided by law,
according to the following provisions :—

1. No High School shall be entitled to share in the fund, unless it is conducted according to the regulations provided by law; nor unless it has an average attendance of Twenty pupils; nor unless a sum, at least equal to that apportioned from the fund shall be provided from local sources. 5

(2.) Each High School, conducted according to law, shall be entitled to an apportionment of a sum not less than three hundred and not more than one thousand dollars per annum, according to the average attendance of pupils, and the length of time each High School is kept open, as compared with other High 10 Schools; which sum, together with, at least, an equal sum provided from local sources shall be expended in payment of teachers' salaries for the then current year.

6. Each Grammar School already established, and now in operation, shall be held to be a High School, according to the 15 provisions of this Act, and, as far as the fund will permit, it shall be lawful for the Lieutenant-Governor in Council to authorize the establishment of additional High Schools upon the conditions prescribed by this Act; and the preliminary examination of pupil candidates for admission in the High 20 Schools shall be made by the County or City Superintendent, on whose certificate of qualification pupils shall be eligible for admission to the High School; Provided, nevertheless, that the pupils already duly admitted as Grammar School pupils according to law, shall be held eligible without further examination 25 for admission as pupils of the High Schools; and provided furthermore, that pupils from any part of the County in which a High School is or may be established shall be admitted to such school on the same terms as pupils within the town or village of such school, upon the condition always that the Council of 30 such County shall contribute *pro rata* towards raising the sum or sums required by law to be provided from local sources to entitle such High School to share in the Grammar School Fund.

7. The Inspector or Inspectors of Grammar Schools now 35 authorized by law, shall be known as the Inspector or Inspectors of High Schools.

8. It may and shall be lawful for any County Council to form the whole or parts of one or more townships and villages within its jurisdiction into a High School district, within the 40 limits of which a Board of six Trustees shall be elected by the ratepayers, in the same manner as are Boards of School Trustees in incorporated villages, in such place and at such time for the first election as may be appointed by the Warden of the County, and at such place subsequently as may be appointed by the 45 said Board; and all the provisions of the School Acts relating to the election and succession of Trustees in incorporated villages, shall apply to the election and succession of Trustees in said High School district, as far as is consistent with this section, and the Board of Trustees of such High School District 50 shall possess all the powers within the said district for the support and management of their High School, and in respect to the County Council, as are possessed by the Boards of Public School Trustees, in incorporated villages, in respect to the support and management of the schools under their care, and in 55 respect to the municipal council of their municipality, as provided by the School Acts of Upper Canada.

9. And whereas it is desirable to encourage the establishment of superior classical schools; it shall be lawful for the Lieutenant Governor in Council to confer upon any High School, in which not less than four masters are fully employed in teaching the subjects of the prescribed curriculum and in which the daily average of male pupils studying the Latin or Greek language shall not be less than seventy, the name Collegiate Institute; and towards the support of such Collegiate Institute, it shall be lawful for the Lieutenant-Governor in Council to authorize the payment of an additional sum, at the rate of, and not exceeding seven hundred and fifty dollars per annum, out of the Superior Education Fund, provided under the authority of the tenth section of the Consolidated Grammar School Act, twenty-second Victoria, chapter sixty-three.

10. All the provisions of the Grammar School Act which are inconsistent with the provisions of this Act are hereby repealed.

No. 129.

2nd Session, 1st Parliament, 32 Victoria, 1868

BILL.

An Act to amend the Grammar School Law
of the Province of Ontario.

1st Reading, December 18, 1868.

Hon. Mr. CAMERON.

TORONTO

PRINTED BY HUNTER, ROSE & Co.

Reading / January 1869
Rescinded 18

No. 130.]

BILL.

[1869.

An Act to amend the Dower Act of Ontario.

WHEREAS it is expedient that the Dower Act of Ontario should be so amended, as that it shall not destroy vested rights: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario,
5 enacts as follows:

1. The provision in the third section of the said Act contained shall not affect the right of any widow who shall have been married before the first day of February, A.D. 1869, to recover Dower out of any estate to which her husband shall have been
10 before the said day entitled, and out of which Dower would, but for the said provision, be recoverable.

2. This Act shall take effect upon, from and after the first day of February, A.D. 1869.

No. 130.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to amend the Dower Act of Ontario.

First reading, 7th January, 1869.

MR. BLAKE.

TORONTO:
PRINTED BY HUNTER, ROSE & CO.

1 Reading 8 January 1869

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No. 131.]

BILL.

[1868.

An Act to make provision for the salaries of Jurors for the County of York for the year 1869, and for other purposes.

WHEREAS it is necessary to make special provision for the selection of Jurors to serve in and for the County of York, during the year one thousand eight hundred and sixty-nine.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The jury books and jury lists made up and intended to be the jury books and jury lists for the County of the City of Toronto for the year one thousand eight hundred and sixty-nine, together with all jury rolls, jury books and jury lists for previous years, and all records, books, papers and documents and other proceedings of the late Recorder's Court for the said City, and all other records, books, papers and documents relating to the administration of Criminal Justice in the Recorder's Court of the said City, and in the Courts of Oyer and Terminer and General Gaol Delivery for the late County of the City of Toronto, shall be handed over and delivered by the officer or person in whose custody the same, or any of them, are or may be to the Clerk of the Peace for the County of York, to be kept and preserved by him and his successors with and amongst and as the proper records, books, papers and documents of his said office.

Jury books, &c., for the County of the City of Toronto, to be delivered to Clerk of the Peace, Co. of York.

2. The jury books and jury lists of the County of York for the present year (1869), and the jury books and jury lists made or to be made up and intended to be the jury books and jury lists respectively for the Superior Courts of the County of the City of Toronto, and for the Recorder's Court of the said City for the present year together shall be held, regarded and treated as one jury book or jury list, and as the proper jury book and jury lists of the County of York for the present year, and the Sheriff of the County of York, and every other officer or person to whom any writ of "*venire facias*," or precept for the return of Juries, may be or is directed, shall, in the selection of Juries to serve within the said County of York during the year 1869, select such jurors from the said jury list in the same manner as if the said respective jury books and jury lists formed together only one jury book and jury list.

Jury lists for said Co. for present year to be taken, with others, as the Jury lists for the Co. of York.

3. The Clerk of the Peace of the County of York, immediately after receiving the jury books and jury lists mentioned in the first section of this Act, shall re-number the names of the Jurors

Names on first numbered lists to be re-numbered.

on the respective jury lists of the Superior Courts of the County of the City of Toronto, and of the Recorder's Court of said City for the present year, commencing for that purpose with a number next higher than the highest number appearing on the respective jury lists of the County of York for said year, and continuing 1 the numbers consecutively to the end.

Records, etc.,
of Recorders,
Courts, in
Ottawa,
Kingston,
Hamilton,
and London
to be handed
over to Clerk
of the Peace.

4. All records, books, papers and documents belonging or appertaining to, or connected with the proceedings of the Recorder's Courts for the City of Ottawa, the City of Kingston, the City of Hamilton, and the City of London, respectively, 5 shall, on the first day of February, one thousand eight hundred and sixty-nine, be handed over by the officer or person in whose custody or possession the same may be to the Clerk of the Peace of the County within the limits of which the said Cities are respectively situate, and shall from thenceforth form a part of 10 the records, books, papers and documents of the office of such clerks of the peace respectively.

No. 131.

2nd Session, 1st Parliament, 32 Victoria, 1868.

BILL.

First reading, 7th January, 1869.

Attorney-General MACDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to erect the Township of Monck in the District of Muskoka into a Municipality.

WHEREAS certain resident settlers in the Township of Monck have, by their petition, prayed that an Act may be passed to authorize the immediate erection of the said Township into a Municipality, to be annexed to the County of Simcoe, and it is expedient to grant their request; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. That from and after the day of February, now next, the said Township of Monck is hereby declared and constituted a Municipality, by the name of the Corporation of the Township of Monck, with all the rights, powers, liabilities and incidents of a Municipality erected under the existing Municipal Laws of this Province (*anything in the existing Municipal Law of this Province contained to the contrary notwithstanding.*)

Township of Monck a Municipality.

2. That the said hereby erected Municipality be attached for all Municipal purposes, to the County of Simcoe.

Attached to County of Simcoe.

3. The nomination for the first election of Reeve and Councillors shall take place at , upon the day of next, at the hour of noon, and the first election shall be held at the on the day of next, and Andrew Hutchison Browning is hereby appointed the Returning Officer to preside at such nomination and election.

First Municipal Election.

4. At the first election of Reeve and Councillors of the said Township to be held under this Act, every resident householder in the said Township shall be entitled to vote, provided he shall take, if required, the following oath:

Who to vote.

I, A. B., do solemnly swear (or affirm if the party be entitled by the Laws of this Province to affirm in civil matters), that I am a subject of Her Majesty, that I am a householder in the Township of Monck, that I am of the full age of twenty-one years, and that I have not voted before at this election, so help me God.

Oath.

5. In all matters not provided by this Act, the Municipal Laws of this Province shall apply and be in force in the said Township.

Municipal Laws to apply.

6. That the first meeting of the then duly elected Council for the aforesaid Municipality, shall take place at eleven o'clock *ante meridian*, on the Monday of the month of next.

First meeting of Municipal Council.

7. Nothing, however, contained shall in any way affect or repeat any provision of an Act passed in the last Session of the Legislature, entitled, An Act to provide for the organization of the Territorial District of Muskoka.

No. 13.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL

To incorporate the Township of Monck.

First reading, 7th January, 1869.

MR. COCKBURN.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 133.]

BILL.

[1868.

An Act to erect the Townships of Watt, Cardwell, Humphrey, Christie, Medora, and Wood, in the District of Muskoka, into a Municipality.

WHEREAS certain resident settlers in the Townships of Watt, Cardwell, Humphrey, Christie, Medora, and Wood, have, by their Petition, prayed that an Act may be passed to authorize the immediate erection of the said Townships into a Municipality, to be annexed to the County of Simcoe, and it is expedient to grant their request: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That from and after the day of February, now next, the said Townships of Watt, Cardwell, Humphrey, Christie, Medora and Wood, are hereby declared and constituted a Municipality, by the name of the Corporation of the United Townships of Watt, Cardwell, Humphrey, Christie, Medora, and Wood, with all the rights, powers, liabilities and incidents of a Municipality erected under the existing Municipal Laws of this Province, (anything in the existing Municipal Laws of this Province contained to the contrary notwithstanding).

2. That the said hereby erected Municipality be attached for all Municipal purposes, to the County of Simcoe.

3. The nomination for the first election of Reeve and Councillors, shall take place at or near Raymond Post Office, upon the next, at the hour of noon, and the first election shall be held at the same place on the next, and Frederick Richardson is hereby appointed the Returning Officer to preside at such nomination and election.

4. At the first election of Reeve and Councillors of the said United Townships, to be held under this Act, every resident householder in the said Township shall be entitled to vote, provided he shall, if required, take the following oath:

I, A.B., do solemnly swear (or affirm if the party be entitled by the laws of this Province to affirm in civil matters), that I am a subject of Her Majesty, that I am a householder in the United Townships of Watt, Cardwell, Humphrey, Christie, Medora and Wood, that I am of the full age of twenty-one years, and that I have not before voted at this election, so help me God.

5. In all matters not provided by this Act the Municipal Laws of this Province shall apply and be in force in the said United Townships.

First meeting
of Council.

6. That the first meeting of the then duly elected Council for the aforesaid Municipality, shall take place at eleven of the clock forenoon on the Monday of next.

7. Nothing, however, contained, shall in any way affect or repeal any provision of an Act passed in the last Session of the Legislature, entitled, "An Act to provide for the organization of the Territorial District of Muskoka." 5

No. 133.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

To incorporate the United Townships of Watt, Cardwell, Humphrey, Christie, Medera, and Wood.

First reading, January 7th, 1869.

Mr. COCKBURN.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1- Reading 11 January 1869
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No. 134.]

BILL.

[1869.

An Act relative to certain streets in the City of London, in this Province.

WHEREAS by certain Letters Patent, under the great seal of Preamble.
the late Province of Canada, bearing date the nineteenth
day of August, in the year one thousand eight hundred and
forty-six, Her Majesty the Queen granted or purported to grant
5 to one John Balkwell, in fee simple certain lands situate in the
then town (now the city) of London, in this Province, contain-
ing fourteen acres, more or less, being composed of the mill site
on the east branch of the river Thames, and more particularly
described in said Letters Patent by metes and bounds, and
10 whereas the said lands had been previously surveyed and laid
out as a mill site and as such were sold at public auction, in
the year one thousand eight hundred and thirty-nine, subject
to the condition of erecting mills thereon; and whereas by a
certain indenture, dated the seventeenth day of May, in the
15 year one thousand eight hundred and forty-nine, the said John
Balkwell granted and conveyed to James Hamilton, Esquire,
then Sheriff of the London District a strip or portion of said
land one chain in width in trust for a public highway, reserving
the right to make a tail race or covered water way under and
20 accross said strip of land, and to use the same forever, and which
strip of land is now the continuation of Ridout Street through
the said mill site: And whereas previously to the sale or survey
of said mill site, certain streets called respectively, Grey street,
Simcoe street, Talbot street and Ridout street had been survey-
25 ed and laid out through the said lands to the river Thames, in
the original survey of said town, which streets were not laid
down in the plan of survey of the said mill site nor were they
reserved at the said sale or in the said Letters Patent nor were
the said lands sold or granted subject to the said streets, and the
30 said lands (except the continuation of Ridout street aforesaid,) have
remained for many years in the occupation and possession of the
said John Balkwell, but it has been recently in effect decided
that the said streets where public highways by having been laid
out as such previously to the survey of said mill site, and
35 whereas mills and other valuable improvements have been
erected and made upon the said lands and the opening of said
streets through the said lands would greatly injure the said
property, and Charles Hunt the present owner thereof has ap-
plied for relief in the premises, therefore, Her Majesty the Queen,
40 by and with the advice and consent of the Legislative Assembly
of the Province of Ontario enacts as follows:—

1. The said Letters Patent, and the grant thereby made of the said mill site, and lands therein described are hereby confirmed, and the said street or highways shall be deemed and adjudged to have been legally closed by the said grant, and to have thereby ceased, and the said mill site and lands shall be deemed and adjudged to have passed to the said John Balkwell, in fee simple free from any highway or public right of way through or near any part or parts of the same.

Letters Patent confirmed
and certain
streets in city
of London
closed.

No. 134.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act relative to certain streets in the city of London, in this Province.

First reading, 11th January, 1869.

Hon. Mr. RICHARDS.

TORONTO.

PRINTED BY HUNTER, ROSE & Co.

Discharged

No. 135.]

BILL.

[1869.

An Act to regulate the sale of Poisons, and respecting Chemists, Druggists and Apothecaries.

WHEREAS it is expedient for the safety of the public that persons engaged in the sale of dangerous, poisonous and medicinal substances, should be acquainted with their nature and uses : Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Preamble.

1. From and after the first day of July, A.D. 1869, it shall be unlawful for any person to sell or keep open shop for retailing, dispensing or compounding poisons, or to assume or use the title, "Chemist and Druggist," or Chemist or Druggist, or Pharmacist, Apothecary or Dispensing Chemist or Druggist, in any part of the Province of Ontario, unless such person shall be registered under this Act, or unless such person has been engaged in such business on his own account, or in partnership with some other person before the passing of this Act.

After July 1, 1869, no one to sell or keep a shop for dispensing poisons, or assume certain titles unless registered, etc.

2. The several articles named or described in Schedule A, shall be deemed to be poisonous within the meaning of this Act, and the Council of the Pharmaceutic Society of Ontario, hereinafter mentioned, may, from time to time, by resolution, declare that any article in such resolution named ought to be deemed a poison within the meaning of this Act, and thereupon the said Society shall submit the same for the approval of the Lieutenant-Governor in Council, and if such approval shall be given; then such resolution and approval shall be advertised in the *Ontario Gazette*, and on the expiration of one month from such advertisement, the article named in such resolution shall be deemed to be a poison within the meaning of this Act, and the same shall be subject to the provisions of the next following section of this Act, or such of them as may be directed by the Lieutenant-Governor in Council.

Such poisons defined.

3. It shall be unlawful to sell any poison either by wholesale or retail, unless the box, bottle, vessel, wrapper, or cover in which such poison is contained be distinctly labelled with the name of the article and the word "Poison," and, if sold by retail, then also with the name and address of the proprietor of the establishment in which such poison is sold ; and it shall be unlawful to sell any poison mentioned in the first part of Schedule A, to any person unknown to the seller unless introduced by some person known to the seller ; and on every sale of any such article the person actually selling the same shall, before delivery, make an entry in a book to be kept for that purpose, stating in the form set forth in Schedule B to this Act, the date of the sale, the name and

Unlawful to sell unless boxes or covers labelled.

Or to person unknown.

Sale and certain particulars to be entered in a book.

address of the purchaser, the name and quantity of the article sold, the purpose for which it is stated by the purchaser to be required, and the name of the person, if any, who introduced him, to which entry, the signature of the purchaser shall be affixed.

Persons now
in the business
of Druggist,
etc., may form
a Society.

4. For the purpose of more effectually carrying out the objects 5
of this Act, it shall be lawful for the persons at the time of the
passing of this Act engaged as principals or assistants in the bus-
iness of an Apothecary, or Chemist and Druggist, to form them-
selves into a society to be called "The Pharmaceutical Society of
Ontario," and every person so engaged in business on his own 10
account, shall upon payment of a fee of four dollars to the Treas-
urer of the said Society, be entitled to be enrolled as a Member
of the said Society, and every person so engaged as a clerk,
assistant or apprentice, on payment of a fee of two dollars, shall
be entitled to be enrolled as an associate of the said Society. 15

5. Any associate may, upon passing such an examination as
may be prescribed by the Council, be admitted and enrolled as
a Member of the said Society.

Certain per-
sons incorpo-
rated.

6. William Elliot, Hugh Miller and W. H. Dunspasugh, of the
city of Toronto; John Winer and A. Hamilton, of the city of 20
Hamilton; B. A. Mitchell and William Saunders, of the city of
London; E. H. Parker, of the city of Kingston; W. M. Massey
and John Roberts, of the city of Ottawa; Joseph H. Parker,
of the town of Owen Sound; James Mills, of the town of St.
Catharines; J. Hawkes, of the town of Cornwall; F. Brendon, 25
of the town of Brantford; F. Jordan, of the town of Goderich;
C. Stork, of the town of Brampton; C. Brent, of the town of Port
Hope; E. Gregory, of the town of Lindsay; and J. W. Gilmour,
of the town of Peterboro'; and such other persons as may become
members or associates of the said society, under the provisions 30
of this Act, shall be and are hereby constituted a body politic
and corporate, under the name of "The Pharmaceutical Society
of Ontario."

Who form the
Council and
Board in
meantime.

7. Until other persons be elected as hereinafter provided, the
thirteen persons first hereinbefore named, shall be the Councils 35
or Board of Directors of the said Society, and shall act as a Board
to grant certificates of competency to conduct the business of a
Chemist and Druggist, and to be registered under this Act.
The first meeting of said Council shall be held on the first Wed-
nesday in February, one thousand eight hundred and sixty-nine, 40
at the city of Toronto.

Council to
consist of thir-
teen members.

Who may
resign and fill
vacancies.

8. The said Pharmaceutical Council to be elected as herein-
after mentioned, shall consist of thirteen members, who shall
hold office for two years. Any member of said Council may, at
any time, resign by letter directed to the Registrar of said Society, 45
and in the event of any vacancy occurring the remaining mem-
bers of the Council shall fill up such vacancy from the members
of the Society.

First election
of Director.

Who vote.

9. The first election shall take place on the first Wednesday
in July, A. D. 1869, at such place as shall be fixed by resolution 50
of the said Provisional Council, and the Registrar to be appoint-
ed by the said Council shall act as Returning Officer at the
said election, and the persons entitled to vote at such first

election shall be all persons who are at the time of the passing of this Act engaged as Chemists and Druggists on their own account, or in partnership with any other person in the Province of Ontario.

- 5 **10** Every subsequent election shall be held on the first Wednesday in July in every second year, until otherwise by by-law appointed, and the persons qualified to vote at such second election, shall be such persons as are members of the said Society. Subsequent elections.
- 10 **11.** The said Council shall at their first meeting, elect from themselves a President, and shall appoint a Registrar and such other officers as the said Council may consider necessary. The Registrar to be a member of the Council. President and Registrar to be appointed.
- 12.** The said Council may hold to sittings in every year for the purpose of granting certificates of competency, at such times and places as they may by resolution appoint. Business of Council.
- 15 **13.** Every person desirous of being examined, touching his qualifications to act as a Chemist and Druggist, shall at least one month before the sittings of the said Council, pay into the hands of the Registrar the required fees, together with a notice of his intention to present himself for such examination. Applicants for examination etc., to pay fee and give notice.
- 20 **14.** Any person having passed such examination to the satisfaction of the majority of the Examiners, shall be entered upon the Roll of Registered Chemists and Druggists. Such examinations may be conducted by the members of the Council, or by persons appointed by them. Examination admission of.
- 25 **15.** It shall be the duty of the Registrar to make and keep a correct Register in accordance with the provisions of this Act, as shown in Schedule "C," of all persons who shall be entitled to be registered under this Act, and to enter opposite the names of all registered persons who shall have died, a statement of such fact, and from time to time to make the necessary alterations in the addresses of persons registered under this Act. Registry to be kept of parties registered.
- 30 **16.** No names shall be entered in the Register except of persons authorized by this Act to be registered, nor unless the Registrar be satisfied by proper evidence that the person claiming is entitled to be registered, and any appeal from the decision of the Registrar may be decided by the Council of the said Society, and any entry which shall be proved to the satisfaction of such Council to have been fraudulently or incorrectly made, may be erased from or amended in the Register by order of such Council. No one entered unless entitled under this Act.
- 40 **17.** All persons, who at the time of the passing of this Act were in business as Chemists and Druggists, or Chemists, Druggists or Apothecaries, upon their own account or in partnership with any other person, shall be entitled to be registered under this Act, upon production to the Registrar of such evidence of their having been so engaged, as the Council of the said Society may require, and upon payment of a registration fee of two Persons already in business of Druggist, etc., entitled on proof and payment of fees.
- 50

But no one to keep Drug shop after 1st July, 1871, unless registered.

dollars, and after the first day of July, 1871, it shall not be lawful for any person whatsoever, unless as hereinafter excepted, to sell or keep open shop for retailing, dispensing or compounding poisons, or to assume or use the title "Chemist and Druggist," or Chemist, or Druggist, or Pharmacist, or Apothecary, or Dispensing Chemist or Druggist in any part of the Province of Ontario, unless such person shall have been registered under this Act. 5

The Society may acquire real estate to \$5000 annual value, and afterwards sell the same, etc.

18. The said Pharmaceutical Society shall have power to acquire and hold real estate, not exceeding at any time in annual value \$5,000, and the same, or any part thereof may alienate, exchange, mortgage, lease or otherwise charge or dispose of as occasion may require, and may erect buildings for the purpose of accommodating Lecturers on Chemistry or Pharmacy, or for a Library Pharmaceutical Museum, or specimen room for the use of the members and associates of said Society, and all fees payable under this Act shall belong to the said Society for the purposes of this Act. 10 15

Council may prescribe subjects for examination, subject, etc.

Established scale of fees.

And make By-laws.

19. The Council of the said society shall, subject to the supervision and disallowance thereof by the Lieutenant-Governor in Council, have authority to prescribe the subjects upon which candidates for certificates of competency shall be examined, to establish a scale of fees to be paid by the members, or associates of the said Society, and persons applying for examination, and to make by-laws, rules, and orders for the regulation of their own meetings and proceedings, and those of the society, and for the remuneration and appointment of examiners and officers of the Society, and for the payment of the actual expenses of the members of the said Council in attending its sittings, or in attending upon the business of the said society; and in respect to any other matters which may be requisite for the carrying out of this Act. 20 25 30

Style of persons registered and their privileges.

20. Any person registered under this Act, and no other shall be entitled to be styled a "Pharmaceutical Chemist," and shall be authorized to dispense all prescriptions of legally authorized medical practitioners. 35

Entitled to certificate.

21. Upon any person being registered under this Act, he shall be entitled to receive a certificate in the form in Schedule D, or to the like effect under the corporate seal of the said Society, and signed by the registrar.

Which he must display at his place of business.

22. Every Pharmaceutical Chemist carrying on business on his own account, shall display his certificate in a conspicuous position in his place of business. 40

May furnish wine, spirit, etc., on prescription of Medical Practitioner.

23. Any Pharmaceutical Chemist may upon the written prescription of any legally authorized medical practitioner, but not otherwise, furnish to any patient any wine spirit or cordial, which may be prescribed for the use of such patient. 45

Penalty for contravention.

24. Any person transgressing any of the provisions of this Act, or selling any poison in violation thereof, shall, for the first offence incur a penalty not exceeding \$20 and cost of prosecution, and for each offence committed subsequent to such conviction a penalty of \$50, and costs of prosecution to be recovered in a summary manner before any two Justices of the Peace 50

or Police Magistrate on the oath of one or more credible witnesses, one moiety to belong to the prosecutor and the other to Her Majesty for the public uses of this Province.

25 In any prosecution under this Act it shall be incumbent
 5 upon the defendant to prove that he is entitled to sell or keep
 open shop for retailing dispensing or compounding poisons, and
 to assume the title of Chemist and Druggist or other title men-
 tioned in section one of this Act, and the production of a cer-
 tificate purporting to be under the hand of the Registrar and
 10 under the seal of the said Society, shall be *prima facie* evi-
 dence that he is so entitled.

On trial, de-
 fendant to
 prove himself
 entitled.

26. No person selling any articles in violation of the provi-
 sions of this Act shall recover any charges in respect thereof in
 any Court of Law or Equity.

Persons selling
 in violation of
 Act not to
 recover price.

15 27. Nothing in this Act contained shall extend to or inter-
 fere with the privileges conferred upon Physicians and Surgeons
 by any of the Acts relating to the practice of medicine and
 surgery in this Province, nor shall it prevent any person what-
 soever from selling goods of any kind to any person legally
 20 authorized to carry on the business of an Apothecary, Chemist,
 or Druggist or the profession of a Doctor of Medicine Physician,
 or Surgeon, or to prevent the members of such profession sup-
 plying to their patients such medicine as they may require, nor
 shall it interfere with the making or dealing in patent medi-
 25 cines, nor with the business of wholesale dealers in supplying
 poisons or other articles in the ordinary course of whole-
 sale dealing; and upon the decease of any person legally au-
 thorized and actually carrying on the business of Chemist and
 Druggist, at the time of his death it shall be lawful for the
 30 Executor Administrator or Trustee of the Estate of such per-
 son to continue such business, if, and so long only as such busi-
 ness shall be *bona fide* conducted by a Pharmaceutical Chemist
 registered under this Act.

Not to extend
 to Physicians.
 Surgeons or
 wholesale
 dealers.

28. Upon a resolution of the Council of the said Society being
 35 passed declaring that any person in consequence of his convic-
 tion for any offence or offences against this Act he is, in the opi-
 nion of the Council, unfit to be on the Register under this Act,
 the Lieutenant-Governor in Council may direct that the name
 of such person shall be erased from such register, and it shall be
 40 the duty of the Registrar to erase the same accordingly,

On resolution
 of the Council
 Governor may
 direct name to
 be erased from
 register.

This Act may be cited as the Pharmacy Act of 1868.

SCHEDULE A.

PART 1.

Arsenic and the compounds thereof.
 Acid, Hydrocyanic (Prussic).
 Corrosive Sublimate.
 Ergot.

Hemp, Indian.
 Strychnine and Nux Vomica.
 Savine, and preparations of.
 Veratria.

PART 2.

Acid, Oxalic.
 Aconite and the compounds thereof.
 Antimony, Tartrate of,
 Belladonna, and the compounds thereof.
 Beaus Calaber.
 Cantharides.
 Chloroform and Ether.
 Calomel.
 Conium, and preparations thereof.
 Croton Oil and Seeds.
 Cyanide of Potassium.
 Euphorbium.
 Elaterium.
 Goulard Extract.
 Hyosciamus and preparations.
 Hellebore.
 Iodine.
 Opium with its preparations, including Morphia, Laudanum, &c.
 Pills—Mercurial—Podophyllin.
 Pottassium, Iodine of.
 Pottassium, Bromide of.
 St. Ignatius Beans.
 Sautonine.
 Scammony.
 Stramonium and preparations.
 Valerian.
 Verdigris.
 Zinc, Sulphate of.

SCHEDULE B.

DATE.	Name of Purchaser.	Name and quantity of Poison sold.	Purpose for which it is required.	Name of person introducing purchaser.	Signature of Purchaser.

SCHEDULE C.

NAME.	RESIDENCE.	QUALIFICATION.	REMARKS.
A. B.	Kingston.	In Business prior to Pharmacy Act.	Dead.
C. D.	Hamilton.	Examined and Certified, 12th July, 1869.	Erased by Order of Lt. Gov., dated 14th Oct., 1869.

SCHEDULE D.

I hereby certify, that C. D., having first passed the examination prescribed by the Pharmaceutical Council, (or having been in business prior to the Pharmacy Act of 1868, as the case may be), was on the day of duly registered as a Pharmaceutical Chemist, and is authorized to carry on the business of Chemist and Druggist in the Province of Ontario.

[Corporate Seal.]

(Signed)

E. F.
Registrar of the
Ph. Society.

No. 135.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to regulate the sale of Poisons, and respecting Chemists, Druggists and Apothecaries.

First reading, 13th January, 1869.

Mr. McGILL.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

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No. 136.]

BILL.

[1869.

An Act to amend the Act 31st Victoria, chapter 29, intituled, "An Act for the encouragement of Agriculture, Horticulture, Arts, and Manufactures."

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Act passed in the thirty-first year of the reign of Her Majesty, chapter twenty-nine, intituled, "An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures," is amended in manner following :
2. After sub-section one of section twenty-one the following are added as additional sub-sections :
2. All funds of the Association, except silver taken at the Annual Provincial Fair or Exhibition, shall be deposited to the credit of the Association in a chartered bank of the Dominion of Canada, to be selected by the Council of the Association ; and all payments made thereout shall be by cheques drawn on such Bank by the Treasurer of the Association and countersigned by the Secretary thereof.
3. A corrected list of the names of all persons to whom a prize has been awarded at the Annual Provincial Fair or Exhibition, shall be prepared and printed, and a copy thereof shall, before or on the first day of November next after the holding of each such Provincial Fair or Exhibition, be mailed to the address of every person to whom a prize has been awarded.
4. All persons to whom a prize is awarded shall apply to the Secretary of the Association for payment thereof before or on the thirtieth day of November of the year in which such prize is awarded, or shall forfeit such prize.
5. All liabilities of the Association shall, except in cases of reasonable dispute regarding the same, and except where payment of such has not been authorized by the Council, be paid before or on the thirty-first day of December of the year in which the same were incurred ; and when a payment is made through the post, it shall be by cheque marked "good" by the bankers of the Association.
3. In section twenty-five, lines five and six, the words "Manufactures, Agriculture and Horticulture, Science, the Fine
- An Act for encouragement of Agriculture, &c., 31 Vic., c. 29, amended.
- Section 21 amended.
- Funds of Association to be deposited in a chartered bank.
- Prize list to be mailed to prize holders before or on 1st Nov.
- Prizes to be applied for before or on 30th Nov., or forfeited.
- Liabilities of Association to be paid by 31st Dec.

and Decorative Arts, History and Travels," are substituted in lieu of the words "Engineering, or Chemical or other Manufactures," and in line nine, and also in Schedule D, the word "technical" is struck out.

Section 33
amended.

4. In section thirty-three, sub-section one, line five, the 5 word "thirty" is substituted in lieu of the word "fourteen."

Section 39
amended.

5. In section thirty-nine, sub-section one, line three, after the word "year" the words "and also an Analyzed Statement" are inserted, and in sub-section two, line one, the word "statements" is substituted in lieu of the word "statement," and in 10 line four, the words "of such Report and Analyzed Statement" are substituted in lieu of the word "thereof."

Section 42
amended.

6. After sub-section two of section forty-two the following is added :

Mode of dis-
solution of
Union Town-
ship Societies.

3. Where two or more townships have united to form a town- 15 ship society, a majority of such of the members of such society as reside in any one of the townships comprising such union, may by writing signed by such majority and addressed to the directors of such united society express their desire to separate, and may thereupon organize a new society for such township in the 20 manner provided by section forty-two, and the former united society shall thereupon become dissolved and cease to exist ; and the assets of such union society shall be divided in manner provided by section fifty-three in regard to the assets of separating 25 Electoral Division Societies.

How assets
divided.

Section 45
amended.

7. In section forty-five, sub-section two, line two, after the word "held," and before the words "in any," the words "if such County Show is held at the usual place of holding such Town- 30 ship Shows" are inserted; and after the word "show" in the last line, the following is added: "This prohibition is not to extend to Horticultural Societies organized under section twenty-six."

Section 48
amended.

8. In section forty-eight, sub-section three, lines three and four, the words "and prior to the first of January of such ensu- 35 ing year;" and in line four, the word "such" before the word "office" are struck out; and in sub-section four, line one, the words "any office-bearer" are substituted in lieu of the words "the Secretary or Treasurer;" and it is hereby declared that said sub-sections three and four were intended to apply, and 40 shall be construed to apply to all societies organized under the Act hereby amended, and not merely to Township Societies.

Section 51
amended.

9. In section fifty-one, line nine, after the word "Agricul- 45 ture," and before the word "such," the words "and a certificate of the Secretary of the Electoral Division Society with which such Township Society is connected, that it is the recognized Society of the Township which it professes to represent" are inserted.

Section 54
amended.

10. After sub-section one of section fifty-four, the following is 50 added :

2. In all matters of doubt or dispute as to the working or construction of the said Act as hereby amended, the decision of the Commissioner shall be final, except that an appeal therefrom may be made to the Lieutenant-Governor in Council.

Commissioner
to decide dis-
putes.
Appeal there-
from.

5 **11.** Notwithstanding anything contained in sub-section three of section forty-eight, or in any other section or sub-section of the Act hereby amended, all votes taken at the elections for the year 1869, for any society, of whatever description, organized under said Act, or taken on any question submitted to the annual meeting of any such society, shall, if otherwise legal, be held to be legal, although the voter may not have paid his subscription for the year 1869, prior to the 1st day of January, 1869, provided such subscription shall have been paid before the recording of such vote.

Votes at
proceedings
for year 1869
legalized, tho'
subscription
not paid be-
fore 1st Jan.,
1869.

15 **12.** The following Acts are hereby repealed, so far as they relate to Ontario:—Chapter thirty-two of the Consolidated Statutes of Canada, intituled “An Act respecting the Bureau of Agriculture and Agricultural Societies;” an Act passed in the twenty-fifth year of the reign of Her Majesty, chaptered seven, intituled “An Act to extend the provisions of chapter thirty-two of the Consolidated Statutes of Canada, with respect to the Bureau of Agriculture;” and an Act passed in the twenty-ninth year of the reign of Her Majesty, chaptered ten, intituled “An Act to amend chapter thirty-two of the Consolidated Statutes of Canada, respecting the Bureau of Agriculture and Agricultural Societies.”

Acts repealed.
Con. Stat.
Can., c. 32.

25 Vic., c. 7.

29 Vic., c. 10.

13. This Act shall be read as part of the Act hereby amended.

No. 136.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to amend the Act 31st Victoria, cap. 29, intituled "An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures."

First reading, January 11 1869.

Hon. Mr. CARLING.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

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No. 137.]

BILL.

[1869.

An Act for granting to Her Majesty certain sums of money required for defraying the expenses of Civil Government for the year 1869, for making good certain sums expended for the Public Service in 1868, and for other purposes.

Most Gracious Sovereign :

WHEREAS it appears by Messages from His Excellency the Honourable WILLIAM PEARCE HOWLAND, C.B., Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter, in the 5 schedule to this Act mentioned, are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and other purposes, for the year one thousand eight hundred and sixty-nine, and to make good certain sums expended for the public service in the year one 10 thousand eight hundred and sixty-eight, may it therefore,, please your Majesty, that it may be enacted and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :

15 **1.** From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum not exceeding in the whole one million six hundred and twelve thousand one hundred and sixty-four dollars and seventy-nine cents for defraying the several charges and expenses of the Civil Govern- 20 ment of this Province for the year one thousand eight hundred and sixty-nine and for other purposes; Provided always that any appropriation made by this Act, which shall be unexpended on the thirty-first day of December, one thousand eight hundred and sixty nine shall become void and of no effect.

25 **2.** There shall be charged to the Consolidated Revenue Fund of this Province the sum of four thousand dollars to make good that amount paid to Mrs. Isabella McKenzie, widow of the late William Lyon McKenzie, in accordance with an Address passed by the Legislative Assembly, on the third day of March, one 30 thousand eight hundred and sixty-eight.

3. There shall be charged to the Consolidated Revenue Fund of this Province the further sum of thirteen thousand two hundred and sixty-four dollars and seventy-two cents, to make good the expenditures defrayed by the Dominion of Canada on account 35 of the Province of Ontario during the nine months ending the thirtieth day of September, one thousand eight hundred and

sixty-eight, as detailed in statement No. 6 of the Public Accounts of the Province of Ontario, for the said nine months, save and excepting out of the said sum of thirteen thousand two hundred and sixty-four dollars and seventy-two cents, the several sums mentioned in statement No. 6 of the said Public Accounts, under the heads of "Public Works and Buildings," "Crown Lands Expenditure," and "Miscellaneous," which said several items amount in all to the sum of three thousand three hundred and forty-five dollars and thirteen cents. 5

4. And whereas it is expedient to advance the sum of four thousand dollars to the Toronto General Hospital by way of loan, to prevent the same being closed up; the said amount to form a charge on the said Toronto General Hospital, and the hereditaments and property belonging or appertaining to the same; be it therefore declared and enacted, that the said sum of four thousand dollars be advanced out of the said Consolidated Revenue Fund by way of a loan to the Toronto General Hospital, and that the said sum of four thousand dollars and the interest thereon at the rate of six per cent per annum shall form a charge and lien on the said hospital, and the hereditaments and property belonging or appurtenant to the same, subject to all legal incumbrances and charges thereon now subsisting, and the said sum of four thousand dollars with interest as aforesaid shall be repaid to the Treasurer of Ontario, to and for the use of Her Majesty, whenever the same shall be demanded. 10 15 20 25

5. And whereas the Legislature of this Province has declared that it shall not be lawful to aid out of the Public Treasury, any Denominational College; be it therefore declared and enacted that there shall be granted out of the said Consolidated Revenue Fund the several sums after mentioned, in aid of the several medical schools or colleges following: namely, seven hundred and fifty dollars to the Medical Faculty, Victoria College, Cobourg; seven hundred and fifty dollars to the School of Medicine, Kingston, and seven hundred and fifty dollars to the School of Medicine, Toronto; but the same shall not hereafter be continued to such of the said medical schools as shall be or remain in connection with or under the control of any Denominational College or University. 30 35

6. And whereas under the altered circumstances of the country, and the increased expense of living, it has been found that the Judges of the Superior Courts are inadequately paid; be it therefore enacted that there shall be paid for the year one thousand eight hundred and sixty-nine, and for every year thereafter, out of the Consolidated Revenue Fund of this Province, to the President or Chief Justice of the Court of Error and Appeal, and to each of the Judges of the Superior Courts of Law and Equity in this Province, the sum of one thousand dollars. 40 45

7. Accounts in detail of all moneys received on account of this Province, and of all expenditure under this Act, shall be laid before the Legislative Assembly at its next Session. 50

8. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

SCHEDULE.

Sums granted to Her Majesty by this Act, and the purposes for which they are granted.

SERVICE.	\$ cts.	\$ cts.	\$ cts.
CIVIL GOVERNMENT.			
LIEUTENANT-GOVERNOR'S OFFICE.			
Private Secretary, Salary.....	800 00		
Messenger, do	400 00		
		1,200 00	
EXECUTIVE COUNCIL OFFICE.			
Clerk, Salary	400 00		
Caretaker, do	365 00		
Messenger, part Salary.....	250 00		
		1,015 00	
ATTORNEY-GENERAL'S OFFICE.			
Attorney-General, as Premier, Salary.....	4,000 00		
Chief Clerk, Salary	1,200 00		
Second do do	700 00		
Messenger, part Salary.....	250 00		
		6,150 00	
TREASURY DEPARTMENT.			
Treasurer, Salary	3,200 00		
Accountant, do	1,200 00		
Chief Clerk, Audit Branch, Salary.....	1,200 00		
Junior do do	550 00		
Clerk of Correspondence, do	650 00		
Messenger, do	365 00		
		7,165 00	
SECRETARY AND REGISTRAR'S OFFICE.			
Secretary and Registrar, Salary.....	3,200 00		
Assistant Secretary and Deputy Registrar, Salary.....	1,600 00		
First Clerk,	800 00		
Two Clerks, at \$2 per diem.....	1,460 00		
Two do \$1 do	730 00		
Messenger.....	365 00		
		8,155 00	
DEPARTMENT OF AGRICULTURE AND PUBLIC WORKS.			
Commissioner, Salary	3,200 00		
Architect and Engineer, Salary, \$2,000, \$400 of which is to be paid out of the Lunatic Asylum Estimate	1,600 00		
Secretary of Public Works, Salary	1,000 00		
Secretary of Agriculture, do	800 00		
Accountant, do	800 00		
Messenger, do	365 00		
		7,765 00	
Carried forward		31,450 00	

ESTIMATE.—Continued.

SERVICE.	\$ cts.	\$ cts.	\$ cts.
<i>Brought forward</i>		31,450 00	
CIVIL GOVERNMENT.—Continued.			
CROWN LANDS DEPARTMENT.			
Commissioner, Salary.....	3,200 00		
Assistant Commissioner, Salary	2,600 00		
Surveys Branch, Salaries	3,810 00		
Land Claims and Sales in Old Townships Branch, Salaries...	4,760 00		
Clergy and School Lands and Crown Lands in New Townships Branch, Salaries.....	5,500 00		
Letters Patent do do	3,030 00		
Woods and Forests Branch, Salaries	3,200 00		
Accounts do do	7,220 00		
Colonization Roads do do	2,400 00		
Registrar's do do	1,400 00		
Office Keeper, Salary.....	500 00		
Messenger, do	450 00		
		38,070 00	
CONTINGENCIES			
Of the Departments, not otherwise provided for, including Printing, Stationery, Advertising, Blank Books, Postages, Telegrams, Additional Clerk-hire, &c., &c., viz:—			
Lieutenant-Governor's Office.....	210 00		
Executive Council Office.....	780 00		
Attorney-General's Office.....	805 00		
Treasury Department	3,075 00		
Secretary and Registrar's Office.....	2,568 00		
Department of Agriculture and Public Works.....	1,933 00		
Crown Lands Department.....	12,000 00		
Normal and Model Schools	7,298 00		
Education Office	2,180 00		
		30,849 00	
CROWN LANDS EXPENDITURE.			
Salaries and Expenses of Travelling Agents.....	5,000 00		
Board of Surveyors	400 00		
Agents' Salaries, Commission and Disbursements.....	35,000 00		
Refunds.....	10,000 00		
Surveys.....	50,000 00		
			100,400 00
COLONIZATION ROADS.			
For construction and repairs.....			50,000 00
LEGISLATION.			
<i>Salaries.</i>			
Mr. Speaker.....	1,000 00		
Clerk of the House.....	1,400 00		
Assistant Clerk and Accountant.....	1,200 00		
Clerk of Committees	1,200 00		
<i>Carried forward</i>	4,800 00		250,769 00

ESTIMATE.—Continued.

SERVICE.	\$ cts.	\$ cts.	\$ cts.
<i>Brought forward</i>	4,800 00		250,769 00
LEGISLATION—(Continued).			
Salaries—(Continued).			
Law Clerk, arrears, 1868.....	1,000 00		
do 1869.....	1,000 00		
First Office Clerk.....	800 00		
Clerk of Routine and Records.....	600 00		
Clerk of the Crown in Chancery.....	400 00		
Sergeant-at-Arms.....	400 00		
Junior Clerk.....	500 00		
Housekeeper and Chief Messenger.....	500 00		
Three Messengers at \$365.....	1,095 00		
Fireman.....	365 00		
Night Watchman.....	365 00		
		11,825 00	
Sessional Writers, Messengers and Pages.....		2,000 00	
Postages and cost of House Post Office.....		1,500 00	
Stationery, including Printing-Paper, Printing and Binding.....		5,000 00	
Printing, Binding and Distributing the Statutes.....		3,500 00	
Expenses of Elections.....		1,000 00	
Increase of Library.....		1,000 00	
Indemnity to Members, including Mileage.....		30,000 00	
Contingencies.....		2,000 00	
			57,825 00
ADMINISTRATION OF JUSTICE.			
COURT OF CHANCERY.			
Salary of Master.....	2,240 00		
Arrears, 1868 (not to be continued).....	760 00		
Salary of Taxing Officer.....	1,600 00		
do Senior Clerk, Master's Office.....	1,000 00		
do Junior do do.....	800 00		
do Registrar.....	1,840 00		
do Clerk, Registrar's Office.....	1,000 00		
do do do.....	1,000 00		
do do do.....	1,000 00		
do do do.....	1,000 00		
do Entering Clerk.....	600 00		
do do.....	500 00		
do Usher and Housekeeper.....	450 00		
do Messenger.....	365 00		
do Surrogate Court Clerk.....	1,600 00		
Contingencies.....	1,182 00		
		15,937 00	
COURT OF QUEEN'S BENCH.			
Salary of Clerk of the Crown.....	1,840 00		
do Senior Clerk.....	1,200 00		
do Junior do.....	1,000 00		
do Clerk of Process.....	1,400 00		
do Assistant in Process Office.....	400 00		
do Housekeeper and Messenger.....	500 00		
do Usher and Crier.....	160 00		
do Assistant Messenger.....	160 00		
Contingencies.....	750 00		
		7,410 00	
<i>Carried forward</i>		23,347 00	308,594 00

ESTIMATE.—Continued.

SERVICE.	\$ cts.	\$ cts.	\$ cts.
<i>Brought forward</i>		23,347 00	308,594 00
ADMINISTRATION OF JUSTICE—(Continued.)			
COURT OF COMMON PLEAS.			
Salary of Clerk of the Crown.....	1,840 00		
do Senior Clerk.....	1,200 00		
do Junior do.....	1,000 00		
do Usher and Crier.....	160 00		
Contingencies.....	500 00	4,700 00	
CRIMINAL JUSTICE.			
Crown Counsel, Criminal Prosecutions.....	10,000 00		
Administration of Criminal Justice.....	117 000 00		
Special Services, Criminal Justice.....	2,000 00	129,000 00	
MISCELLANEOUS JUSTICE.			
Deputy Clerks of the Crown and Pleas.....	12,100 00		
To meet expenses of Administration of Justice in the Districts of Algoma, Nipissing and Muskoka, and other services.....	17,900 00		
To meet expenses incurred by the authorities <i>in re</i> Driscoll Murder, Kingston.....	712 82		
do <i>In re</i> Newbecker Murder, Bruce.....	459 36		
do <i>In re</i> Benson Forgery, London.....	65 69		
Seals and other contingencies.....	200 00	31,437 87	188,484 87
PUBLIC WORKS AND BUILDINGS.			
Departmental and Parliamentary Buildings.....	8,473 32		
Government House.—Completing Lieut.-Gov's Residence, including Outbuildings, Furniture, Fencing and Laying out Grounds.....	72,322 26		
Fuel, Gas Rent, &c., for Lieut.-Gov's present Residence.....	2,500 00		
Deaf and Dumb Institution.....	75,000 00	158,295 58	
LUNATIC ASYLUMS—(CAPITAL).			
Completing New Wings, P. L. A.....	75,000 00		
Furnishing Two Wings do.....	12,000 00		
Insurance on East Wing of do, from 1st January, 1869, to 1st February, 1870 (on \$20,000).....	108 34		
Carpenter's Risk on P. L. A., from 1st January, 1869, to 1st February, 1870.....	300 00		
New Pumping Engine for P. L. A., for Supplying Water.....	2,000 00		
House for Caretaker.....	600 00		
Towards Providing Additional Asylum Accommodation.....	100,000 00	190,008 34	
REFORMATORY—(CAPITAL).			
Workshops and Works for Supplying Water.....		5,000 00	
OSGOODE HALL.			
Repairs.....		5,000 00	
IMPROVEMENTS.			
Lock on Rosseau River.....	35,000 00		
Lock at Yonge's Point.....	30,000 00		
Navigation between Balsam and Cameron Lakes.....	20,000 00	85,000 00	
<i>Carried forward</i>		443,303 92	497,078 87

ESTIMATE.—Continued.

SERVICE.	\$ cts.	\$ cts.	\$ cts.
<i>Brought forward</i>		443,303 92	497,078 87
PUBLIC WORKS AND BUILDINGS.—(Continued).			
SWAMP LANDS.			
Survey of Swamp Lands, and Drainage of Crown Lands.....		15,000 00	458,303 92
ASYLUM MAINTENANCE.			
Provincial Lunatic Asylum, Toronto.....	78,300 00		
Malden do	32,676 00		
Orillia do	17,954 00		
Rockwood do	14,300 00		
REFORMATORY.			143,230 00
Maintenance.....			23,627 00
AGRICULTURE.			
Electoral Division Societies—73 at \$700 each	51,100 00		
1 at \$550	550 00		
7 at \$350 “	2,450 00		
Fruit Growers' Association	350 00		
Agricultural Association.....	10,000 00		
Mechanics' Institutes	4,000 00		
IMMIGRATION.			68,450 00
Grant in aid of Immigration.....			10,000 00
MISCELLANEOUS.			
Salary of Inspector of Prisons.....	2,000 00		
Expenses of do	500 00		
Cost of Official Gazette.....	3,000 00		
Expenses of Arbitration.....	1,000 00		
Salary of Inspector of Registry Offices	2,000 00		
To cover gratuities to public officers whose services may be dispensed with	20,000 00		
To aid the destitute Colonists of the Red River Settlement, in the discretion of the Government, not to exceed	5,000 00		
HOSPITALS AND CHARITIES.			33,500 00
Aid to Toronto Hospital, Toronto.....	6,400 00		
do do do for County Patients, Toronto.....	4,800 00		
do House of Industry do.....	2,400 00		
do Protestant Orphans' Home and Female Aid Society, Toronto.....	640 00		
do Roman Catholic Orphan Asylum, Toronto.....	640 00		
do Lying-in Hospital, Toronto	480 00		
do Magdalen Asylum, do	480 00		
do House of Providence, do	320 00		
do Girls' Home and Public Nursery, Toronto.....	320 00		
do General Hospital, Kingston.....	4,800 00		
do House of Industry and Refuge for Indigent Sick, Kingston	2,400 00		
do Orphans' Home, Kingston.....	640 00		
do Hotel Dieu Hospital do	800 00		
do General Hospital, London.....	2,400 00		
do City Hospital, Hamilton.....	4,800 00		
do Roman Catholic Orphan Asylum, Hamilton.....	640 00		
do Orphan Asylum and Ladies' Benevolent Society, Hamilton	640 00		
<i>Carried forward</i>	33,600 00		1,234,189 79

ESTIMATE.—Continued.

SERVICE.	\$ cts.	\$ cts.	\$ cts.
<i>Brought forward</i>	33,600 00		1,234,189 79
HOSPITALS AND CHARITIES—(Continued.)			
Aid to Protestant Hospital, Ottawa.....	1,200 00		
do Roman Catholic Hospital, Ottawa.....	1,200 00		
In aid of the Deaf and Dumb.....	3,000 00		
Aid to General Hospital, St. Catharines.....	1,000 00		
			40,000 00
LITERARY AND SCIENTIFIC INSTITUTIONS.			
Aid to Medical Faculty, Victoria College, Cobourg.....	750 00		
do School of Medicine, Kingston.....	750 00		
do School of Medicine, Toronto.....	750 00		
do Canadian Institute, do.....	750 00		
do Canadian Institute, Ottawa.....	300 00		
do Athenæum, do.....	300 00		
			3,600 00
EDUCATION.			
Common and Separate Schools.....		170,000 00	
Poor Schools.....		4,000 00	
Normal and Model Schools, Salaries.....		10,512 00	
Grammar Schools.....		57,500 00	
DEPOSITORY.			
Libraries, Apparatus and Prizes.....	33,058 00		
Salaries and Wages, viz. :—			
Clerk of Libraries.....	\$1,200 00		
Assistant Clerk of Libraries.....	500 00		
Depository Salesman.....	400 00		
Assistant do.....	150 00		
Junior do.....	120 00		
Packer and Messenger.....	320 00		
Labourer.....	252 00		
	2,942 00		
Superannuated Teachers.....		36,000 00	
Museum and Library.....		6,500 00	
		3,500 00	
JOURNAL OF EDUCATION.			
Editing.....	\$400 00		
Printing, wrapping, addressing and mailing			
5,000 copies per month.....	1,400 00		
		1,800 00	
Grammar School Inspection.....		2,000 00	
County Common School Superintendents, part Salaries,			
45 at \$300.....		13,500 00	
EDUCATION OFFICE.			
Salaries.			
Superintendent of Education.....	\$4,000 00		
Deputy do.....	2,200 00		
Senior Clerk, Book-keeper and Registrar of Me-			
teorological Observations.....	1,400 00		
Corresponding Clerk.....	900 00		
Assistant Corresponding Clerk.....	600 00		
Statistical Clerk.....	1,000 00		
Assistant do.....	800 00		
Messenger, \$1 per day.....	365 00		
Cleaning.....	48 00		
		11,313 00	
			316,625 00
<i>Carried forward</i>			1,594,414 79

ESTIMATE.—*Concluded.*

SERVICE.	\$ cts.	\$ cts.	\$ cts.
<i>Brought forward</i>			1,594,414 79
UNFORESEEN AND UNPROVIDED EXPENSES.			
To meet Unforeseen and Unprovided Expenses			20,000 00
To make good the amount paid to Mrs. Isabella McKenzie, widow of the late William Lyon McKenzie, in accordance with an Address passed by the Legislative Assembly, on 3rd March, 1868.....			4,000 00
To meet the amount expended by the Dominion Government on account of the Province of Ontario, as per Statement No. 6 of the Public Accounts, for the nine months ending 30th September, 1868.....			13,264 72
Loan to Toronto General Hospital, to prevent the same being closed up, to form a charge on the Toronto General Hospital hereditaments and property.....			4,000 00
To the President of the Court of Error and Appeal, and to each of the Judges of the Superior Courts of the Province of Ontario, \$1,000.00.....			10,000 00
TOTAL			1,645,679 51

No. 137.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act for granting to Her Majesty certain sums of money required for defraying the expenses of Civil Government for the year 1869, for making good certain sums expended for the Public Service in 1868, and for other purposes.

First reading, 14th January, 1869.

Hon. E. B. Wood.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

No. 138.]

BILL.

[1868.

An Act to amend the Common Law Procedure Act.

WHEREAS doubts have arisen as to the meaning of the two hundred fifty-seventh, two hundred fifty-eighth, and two hundred fifty-ninth sections of the Common Law Procedure Act, being the 22nd Chapter of the Consolidated Statutes for 5 Upper Canada; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said sections shall be taken to authorize the Sheriff, or other officer, to sell and convey, under a writ of *fiery facias*, 12 Vic., c. 73,
10 against the lands and tenements of any mortgagor, his heirs, executors, administrators or assigns, or person having the equity of redemption, any lands or tenements which such Sheriff might but for the existence of a mortgage or mortgages affecting the same, have sold under such writ and shall be taken 15 to authorize the sale and conveyance of a portion or portions of the lands embraced in such mortgage or mortgages.

2. In case of only portion of the lands, subject to a mortgage, being sold, then such portion and the remaining lands, mentioned in such mortgage and at the time of such sale subject thereto, 20 shall, as between such parcels and the owners of such parcels, be chargeable rateably according to value with the burden of such mortgage, and the purchaser of such portion shall only be required to repay to the mortgagor, his heirs, executors, administrators and assigns, the proportion chargeable upon the lands 25 purchased by him.

3. This Act shall not affect any case now pending or thereto-fore finally adjudged by any Court of Law or Equity in this Province. Act not retractive.

No. 138.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act to amend the Common Law Procedure Act.

First reading, 13th January, 1869.

MR. PARDEE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

No. 139.]

BILL.

[1868

An Act to amend and consolidate the Law respecting the Assessment of Property in the Province of Ontario.

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Assembly of the Province of Ontario, enacts as follows:—

PRELIMINARY PROVISIONS.

1. This Act may be cited as "The Assessment Act of 1869." Short title.

2. In this Act the words "The Province" or this Province mean the Province of Ontario; the word "*Gazette*" means Official *Gazette* of the Province of Ontario; the word "County" includes a Union of Counties, and the word "Township" a Union of Townships—while such Union continues. The words "County Council" include Provisional County Council; the words "Town and Village" mean respectively Incorporated Town and village; the word "Ward," unless so expressed, does not apply to a Township Ward; the words "Municipality or Local Municipality" do not include a County, unless there is something in the subject or context requiring a different construction. Interpretation clause.

3. The terms "Land," "Real Property," and "Real Estate," respectively, include all buildings or other things erected upon or affixed to the land, and all machinery or other things so fixed to any building as to form in law part of the realty, and all trees or underwood growing upon the land, and all mines, minerals, quarries and fossils in and under the same, except mines belonging to Her Majesty. Meaning of words, "Lands," &c.

4. The terms "Personal estate," and "Personal property," include all goods, chattels, shares in incorporated companies interest on mortgages, dividends from bank stock, money notes, accounts, and debts at their actual value, income and all other property, except land and real estate, and real property as above defined, and except property herein expressly exempted. Meaning of "Personal property," &c.

5. The term "Property," includes both real and personal property as above defined. Meaning of "Property."

6. Unoccupied land shall be denominated "*Lands of non-Residents,*" unless the owner thereof has a legal domicile or place of business in the Local Municipality where the same is situate, or gives notice in writing, setting forth his full name, place of residence, and Post Office address to the Clerk of

the Municipality, on or before the thirtieth day of January in each year, that he owns such land, describing it, and requires his name to be entered on the Assessment Roll therefor, which notice may be in the form and to the effect of Schedule A. to this Act, and the Clerk of the Municipality shall, on or before the first day of February in each year make up and deliver to the Assessor or Assessors a list of the persons requiring their names to be entered on the roll, and the lands owned by them.

In the case of
Railroad Com-
pany, &c.

7. The real estate of all Railway Companies is to be considered as lands of residents, although the Company may not have an office in the Municipality; except in cases where a Company ceases to exercise its corporate powers, through insolvency, or other cause.

PROPERTY LIABLE TO TAXATION.

All taxes to be
levied equally
upon the rate-
able property,
when no other
provision
made.

8. All municipal, local or direct taxes or rates, shall, when no other express provision has been made in this respect, be levied equally upon the whole rateable property, real and personal, of the Municipality or other locality, according to the assessed value of such property, and not upon any one or more kinds of property in particular, or in different proportions.

What property
liable to taxa-
tion.
Exemptions.

9. All land and personal property in the Province of Ontario shall be liable to taxation, subject to the following exemptions, that is to say:

Exemptions.

All property
belonging to
Her Majesty.

1. All property vested in or held by Her Majesty, or vested in any public body, or body corporate, officer or person in trust for Her Majesty, or for the public uses of the Province; and also all property vested in or held by Her Majesty, or any other person or body corporate, in trust for or for the use of any tribe or body of Indians, and either unoccupied or occupied by some person in an official capacity.

Indian lands.

But if occupied
not officially.

2. When any property mentioned in the preceding sub-section number one, is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof, but the property itself shall not be liable.

Places of wor-
ship, &c.

3. Every Place of Worship, and land used in connection therewith, Church-yard or Burying-ground.

Public Educa-
tional Institu-
tions.

4. The buildings and grounds of and attached to every University, College, Incorporated Grammar School, or other incorporated seminary of learning, whether vested in a trustee or otherwise, so long as such buildings and grounds are actually used and occupied by such institution, or if unoccupied, but not if otherwise occupied.

School House,
City Hall, &c.

5. Every Public School-house, Town or City or Township hall, Court-house, Gaol, House of Correction, Lock-up House, and Public Hospital, with the land attached thereto, and the personal property belonging to each of them.

Public squares,
&c.

6. Every Public Road and Way, or Public Square.

Municipal
property.

7. The property belonging to any County or Local Municipality, whether occupied for the purposes thereof or unoccupied.

Provincial
Penitentiary.

8. The Provincial Penitentiary and the land attached thereto.

Houses, &c.,
used for
philanthropic
purposes.

9. Every Industrial Farm, Poor House, Alms House, Orphan Asylum, House of Industry, and Lunatic Asylum, and every house belonging to a Company for the reformation of offenders,

and the real and personal property belonging to or connected with the same.

10. The property of every Public Library, Mechanics' Institution, and other public, literary or scientific institution, and of every Agricultural or Horticultural Society, if actually occupied by such society. Scientific Institutions, &c.

11. The personal property and official income of the Governor-General of the Dominion of Canada and the official income of the Lieutenant-Governor of the Province. Personal property of Governor.

12. The houses and premises occupied by any of the Officers, Non-Commissioned Officers and Privates of Her Majesty's Regular Army or Navy in actual service, and the full or half-pay of any one in any one or either of such services, and any pension, salary, gratuity or stipend derived by any person from Her Majesty's Imperial Treasury or elsewhere out of this Province, and the personal property of any person in such Naval or Military services on full pay, or otherwise in actual service. Imperial Military or Naval pay, salaries, pensions, &c.; Property of officers on full pay.

13. All pensions of two hundred dollars a year and under, payable out of the public moneys of the Dominion of Canada or of the Province. Pensions under \$200.

14. The income of a farmer derived from his farm. Income of Farmers.

15. So much of the personal property of any person, as is invested in mortgage upon land or is due to him on account of the sale of land the fee or freehold of which is vested in him, or is invested in the debentures of the Province, or of any Municipal Corporation thereof, and such debentures. Personal property secured by mortgage, or Provincial or Municipal Debentures.

16. The stock held by any person in any chartered bank, so long as there is a Special Tax on bank issues, but not the dividends thereof. Bank stock, so long, &c.

17. The stock held by any person in any Railroad Company. Railroad stock

18. All property, real or personal, which is owned out of this Province. Property owned out of the Province.

19. So much of the personal property of any person, as is equal to the just debts owed by him on account of such property, except such debts as are secured by mortgage upon his real estate, or may be unpaid on account of the purchase money therefor. Personal property to amount to debts due.

20. The net, personal property of any person, provided the same be under one hundred dollars in value. Personalty under \$100.

21. The annual income of any person, provided the same does not exceed four hundred dollars. Income under \$400.

22. The stipend or salary of any minister of religion, and the parsonage or dwelling house occupied by him with the lands thereto attached. Minister's salary.

23. Rental or other income derived from real estate except interest on mortgages.

24. Household effects of whatever kind, books and wearing apparel. Household effects, books, &c.

25. The annual official salaries of the officers and servants of the several Departments of the Executive Government, and of the Senate and House of Commons, resident at the Seat of Government, at Ottawa; and of the officers and servants of the several Departments of the Government of Ontario, resident at Toronto.

HOW RATES TO BE ESTIMATED.

How rates shall be calculated.

10. In Counties and local Municipalities, the rates shall be calculated at so much in the dollar upon the actual value of all the real and personal property liable to assessment therein.

Priority of existing Debentures. How rates for paying them shall be calculated.

11. All Debentures issued before the first day of January, in the year of Our Lord, 1867, by Municipal Corporations under any By-law, and based upon the yearly value of rateable property, at the time of passing such By-law, shall hold the order of priority which they occupied on the said first day of January, 1867. and each Municipal Corporation (having so issued debentures) shall levy a rate on the actual real value of the rateable property within the Municipality represented, sufficient to produce a sum equal to that leviable or produced on the yearly value of such property as established by the Assessment Roll for the year one thousand eight hundred and sixty-six; and such rates shall be applied solely to the payment of such Debentures, or interest on such Debentures, according to the terms of the By-law under which they were issued.

To be applied solely to such purposes.

Rate for Sinking Fund.

In cases where a Sinking Fund is required to be provided, either by the investment of a specific rate or amount, or on a rate on the increase in value over a certain sum, then such a rate shall be levied, as shall at least equal the sum originally intended to be set apart.

Rate of $\frac{1}{2}$ cent per \$, for paying debt to Consolidated Municipal Loan Fund. Proviso; if such rate be insufficient.

12. In order to comply with the provisions of the Consolidated Municipal Loan Fund Act (Consolidated Statutes of Canada, chapter eighty-three,) a rate of not less than one-third of a cent in the dollar upon the actual value of all rateable property, shall be levied by all Municipalities indebted to the Municipal Loan Fund, unless a smaller rate would produce eight per cent. upon the capital of the loan; Provided always, that if such rate of one-third of a cent in the dollar upon the actual value of rateable property according to the assessment of any year, shall produce a less sum than five cents in the dollar, on the annual value of the property in the year one thousand eight hundred and fifty-eight, such a rate shall be levied as will produce a sum equal to that produced by a rate of five cents in the dollar on the Assessment Rolls of the year one thousand eight hundred and fifty-eight.

Estimates to be made yearly.

13. The Council of every County or local Municipality shall, every year, make estimates of all sums which may be required for the lawful purposes of the County, or local Municipality, for the year in which such sums are required to be levied, each Municipality making due allowance for the cost of collection and of the abatement and losses which may occur in the collec-

tion of the tax, and for taxes on the lands of non-residents which may not be collected.

By-laws for raising money by rate.

14. The Council of every Municipality may pass one By-law, or several By-laws, authorizing the levying and collecting of a

rate or rates of so much in the dollar, upon the assessed value of the property therein as the Council deem sufficient to raise the sums required on such estimates.

15. If the amount collected falls short of the sums required, the Council may direct the deficiency to be made up from any unappropriated fund belonging to the Municipality. If the amount collected falls short.

16. If there be no unappropriated fund, the deficiency may be equally deducted from the sums estimated as required, or from any one or more of them. Or estimates may be reduced proportionably.

17. If the sums collected exceed the estimates, the balance shall form part of the General Fund of the Municipality, and be at the disposal of the Council, unless otherwise specially appropriated, but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality, the amount in excess collected on account of such special tax shall be appropriated to the special local object. If sums collected exceed estimate; appropriation of the balance.

18. The taxes or rates imposed or levied for any year shall be considered to have been imposed and to be due on and from the 1st day of January of the then current year, and ending with the thirty-first day of December thereof, unless otherwise expressly provided for by the enactment or by-law under which the same are directed to be levied. Yearly taxes to be computed from 1st January, unless otherwise ordered.

APPOINTMENT OF ASSESSORS AND COLLECTORS.

19. The Council of every Municipality, except Counties, shall appoint such number of Assessors and Collectors for the Municipality as they deem necessary. Assessors and collectors to be appointed.

20. And they may appoint to each Assessor and Collector the Assessment District or Districts therein, within which he shall act, and may prescribe regulations for governing them in the performance of their duties. Municipality may be divided into Assessment Districts.

DUTIES OF ASSESSORS.

21. The Assessor or Assessors shall prepare an Assessment Roll in which, after diligent enquiry, he or they shall set down according to the best information to be had: Assessment Roll to be prepared: its form, contents, &c.

1. The names and surnames in full, if the same can be ascertained, of all taxable persons resident in the Municipality who have taxable property therein, or in the district for which the Assessor has been appointed. Names of Residents.

2. And of all non-resident owners who shall have given the notice in writing mentioned in section six and required their names to be entered in the Roll. Of Non-Residents.

3. The description and extent or amount of property assessable against each. Property.

4. And such particulars in separate columns as follows: Further particulars.

Column 1.—The successive number on the roll.

Column 2.—Name of taxable party.

Column 3.—Occupation.

Column 4.—To state whether the party is a *Householder*, *Freeholder* or *Tenant* by affixing the letter "F" "H," or "T," as the case may be.

Column 5.—The age of the assessed party.

Column 6.—Name and address of the owner, where the party named in column two is not the owner.

Column 7.—School section.

Column 8.—Number of Concession, name of street or other designation of the local division in which the real property lies.

Column 9.—Number of lot, house, etc., in such division.

Column 10.—Number of acres or other measure shewing the extent of the property.

Column 11.—Number of acres cleared.

Column 12.—Value of each parcel of real property.

Column 13.—Total value of real property.

Column 14.—Value of personal property other than income.

Column 15.—Taxable income.

Column 16.—Total value of personal property and taxable income.

Column 17.—Total value of real and personal property and taxable income.

Column 18.—Statute labor—Persons from twenty-one to sixty years of age, and number of days' labor.

Column 19.—Dog tax; number of dogs and number of bitches.

Column 20.—Number of persons in the family of each person rated as a resident.

Column 21.—Religion.

Column 22.—Number of cattle.

Column 23.—Number of sheep.

Column 24.—Number of hogs.

Column 25.—Number of horses.

Column 26.—Date of delivery of notice under section forty-eight.

Land to be assessed in the Municipality or Ward.

Personal property.

22. Land shall be assessed in the Municipality in which the same lies, and in the case of Cities and Towns, in the ward in which the property lies, and this shall include the land of incorporated companies, as well as other property, and when any business is carried on by a person *in a Municipality in which he does not reside* or in two or more Municipalities, the personal property belonging to such person shall be assessed in the Municipality in which such personal property is situated and against the person in possession or charge thereof as well as against the owner.

When land to be assessed in owner's name.

If land not occupied by the owner, but owner is known.

23. Land occupied by the owner shall be assessed in his name.

24. As to land not occupied by the owner, but of which the owner is known, and who, at the time of the Assessment being made, resides or has a legal domicile or place of business in the Municipality, or who has *given the notice mentioned in section six*, the same shall be assessed against such owner alone if the land is unoccupied, or against the owner and occupant if such occupant be any other person than the owner.

If owner non-resident and unknown.

25. If the owner of the land be not resident, then if the land is occupied, it shall be assessed in the name of and against the occupant and owner, but if the land be not occupied, and the owner has not requested to be assessed therefor, then it shall be assessed as land of a non-resident.

26. When land is assessed against both the owner and occupant, or *owner and tenant*, the Assessor shall place both names within brackets on the Roll, and shall write opposite the name of the owner the letter "F," and opposite the name of the occupant or *tenant* the letter "H" or "T," and both names shall be numbered on the Roll; provided always, that no rate-payer shall be counted more than once in returns and lists required by law for Municipal purposes; and the taxes may be recovered from either or from any future owner or occupant saving his recourse against any other person.

If land assessed against owner and occupant, taxes may be recovered from either, or any future occupant.

27. When the land is owned or occupied by more persons than one, and all their names are given to the Assessor, they shall be assessed therefor in the proportions belonging respectively to each, and if a portion of the land so situated is owned by parties who are non-resident, and who have not required their names to be entered on the roll, the whole of the property shall be assessed in the names given to the Assessor, saving the recourse of the persons whose names are so given against the others.

If land occupied by more owners than one.

28. Any occupant may deduct from his rent any taxes paid by him, if the same could also have been recovered from the owner, or *previous occupant*, unless there be a special agreement between the occupant and the owner to the contrary.

When tenants may deduct taxes from rent.

29. The Assessor shall write opposite the name of any non-resident freeholder, who requires his name to be entered on the Roll, *as herein before provided*, in the Column No. 3, the letters "N. R.," and the address of such freeholder.

Assessor to note non-residents, if required, on the Roll.

30. Real and personal property shall be estimated at their actual cash value, as they would be appraised in payment of a just debt from a solvent debtor.

Property to be estimated at full value.

31. In assessing vacant ground or ground used as a farm, garden, or nursery, and not in immediate demand for building purposes, in Cities, Towns, or Villages, whether incorporated or not, the value of such vacant or other ground shall be that at which sales of it can be freely made and where no sales can be reasonably expected during the current year, the Assessors shall value such land as though it was held for farming or gardening purposes, with such per centage added thereto, as the situation of the land may reasonably call for; and such vacant land, though surveyed into building lots, if unsold as such, may be entered on the Assessment Roll as so many acres of the original block or lot, describing the same by the description of the block or by the number of the lot and concession of the Township in which the same may have been situated, as the case may be: Provided that in such case the number and description of each lot comprising each such block shall be inserted on the Assessment Roll, and each lot shall be liable for a proportionate share as to value, and the amount of the taxes if the property is sold for arrears of taxes.

What shall be deemed vacant land, and how its value shall be calculated in cities, &c.

Proviso.

32. When ground is not held for the purposes of sale, but *bona fide* inclosed and used in connection with a residence or building as a paddock, park, lawn, garden or pleasure ground, it shall be assessed therewith, at a valuation, which at six per

When not held for sale, but for gardens, &c.

centum, would yield a sum equal to the annual rental, which in the judgment of the Assessors it is fairly and reasonably worth for the purposes for which it is used, reference being always had to its position and local advantages.

33. Every Railway Company shall annually transmit, on or before the first day of February, to the Clerk of every Municipality in which any part of the roadway or other real property of the Company is situated, a statement showing, first, the quantity of land occupied by the roadway, and the actual value thereof, according to the average value of land in the locality, as rated on the assessment roll of the previous year. Secondly—The real property, other than the roadway in actual use and occupation by the Company, and its value. And thirdly—the vacant land not in actual use by the Company, and the value thereof, as if held for farming or gardening purposes, and the Clerk of the Municipality shall communicate such statement to the assessor, who shall deliver at, or transmit by post, to any station or office of the Company a notice addressed to the Company of the total amount at which he has assessed the real property of the Company in his Municipality or Ward, shewing the amount for each description of property mentioned in the above statement of the Company, and such statement and notice respectively shall be held to be the statement and notice required by the forty-fifth and forty-eighth sections of this Act.

NON-RESIDENT LANDS.

Land of non-residents how to be designated and described on the Assessment Roll.

34. As regards the lands of non-residents who have not required their names to be entered on the Roll, the assessors shall proceed as follows:—

1. They shall insert such land in the roll, separated from the other assessments, and shall head the same as “non-residents” land assessments.”

2. If the land be not known to be sub-divided into lots, it shall be designated by its boundaries or other intelligible description.

If the land be known to be subdivided into lots.

3. If it be known to be sub-divided into lots or be part of a tract known to be so sub-divided, the assessors shall designate the whole tract in the manner prescribed with regard to undivided tracts, and if they can obtain correct information of the sub-divisions, they shall put down in the roll, and in a first column, all the unoccupied lots by their numbers and names alone, and without the names of the owners, beginning at the lowest number and proceeding in numerical order to the highest; in a second column and opposite to the number of each lot they shall set down the quantity of land therein liable to taxation; in a third column, and opposite to the quantity, they shall set down the value of such quantity, and if such quantity be a full lot, it shall be sufficiently designated as such by its name or number, but if it be part of a lot, the part shall be designated in some other way whereby it may be known.

MANNER OF ASSESSING PERSONAL PROPERTY.

How person deriving income from

35. No person deriving an income exceeding four hundred dollars per annum from any trade, calling, office, profession, or

other source whatsoever, not declared exempt by this Act, shall be assessed for a less sum as the amount of his net personal property than the amount of such income during the year then last past, *in excess of the said sum of four hundred dollars*, but no deduction shall be made from the gross amount of such income, by reason of any indebtedness, save such as shall equal the annual interest thereof, and such last year's income *in excess of the said sum of four hundred dollars*, shall be held to be his net personal property, unless he has other personal property liable to assessment, *in which case such excess and other personal property shall be added together and constitute his personal property liable to assessment.*

36. The personal property of an Incorporated Company shall not be assessed against the Corporation, but each Shareholder shall be assessed for the value of the stock or shares held by him as part of his personal property, unless such stock is exempted by this Act; Provided always, that in companies investing their means in Gas-works, Water-works, Plank and Gravel Roads, Manufactories, Hotels, Railways and Tram Roads, Harbours or other works requiring the investment of the whole or principal part of the stock in real estate already assessed for the purpose of carrying on such business, the shareholders shall only be assessed on the income derived from such investment.

37. The personal property of a partnership shall be assessed against the firm at the usual place of business of the partnership, and a partner in his individual capacity shall not be assessable for his share of any personal property of the partnership which has already been assessed against the firm.

38. If a partnership has more than one place of business, each branch shall be assessed, as far as may be, in the locality where it is situate, for that portion of the personal property of the partnership which belongs to that particular branch, and if this cannot be done, the partnership may elect at which of its places of business it will be assessed for the whole personal property, and shall be required to produce a certificate at each of the other places of business of the amount of personal property assessed against it elsewhere.

39. Every person having a farm, shop, factory, office, or other place of business, where he carries on a trade, profession, or calling, shall for all personal property owned by him, wheresoever situate, be assessed in the *Municipality* or Ward, where he has such place of business, at the time when the assessment is made.

40. If he has two or more such places of business in different Municipalities or Wards, he shall be assessed at each for that portion of his personal property connected with the business carried on thereat; or if this cannot be done, he shall be assessed for part of his personal property at one and part at another of his places of business, but he shall in all such cases produce a certificate at each place of business of the amount of personal property assessed against him elsewhere.

If the party has no place of business.

41. If any person has no place of business, he shall be assessed at his place of residence.

In case of executors, &c.

42. Personal property in the sole possession or under the sole control of any person as trustee, guardian, executor or administrator, shall be assessed against such person alone.

Separate assessment of joint owners or possessors.

43. In case of personal property, owned or possessed by or under the control of more than one person, resident in the Municipality or Ward, each shall be assessed for his share only, or if they hold in a representative character, then each shall be assessed for an equal portion only.

Parties assessed as Trustees, &c., to have their representative character attached to their names.

44. When a person is assessed as Trustee, Guardian, Executor, or Administrator, he shall be assessed as such, with the addition to his name of his representative character, and such assessment shall be carried out in a separate line from his individual assessment, and he shall be assessed for the value of the real and personal estate held by him, whether in his individual name, or in conjunction with others in such representative character, at the full value thereof, or for the proper proportion thereof, if others resident within the same Municipality be joined with him in such representative character.

Particulars respecting real property to be delivered to assessors in writing, by the parties to be assessed. Further information.

45. It shall be the duty of every person assessable for real *or personal* property in any Local Municipality, to give all necessary information to the Assessors, and if required by the Assessor or by one of the Assessors, if there be more than one, he shall deliver to him a statement in writing, signed by such person (or by his agent, if the person himself be absent) containing all the particulars respecting the real *or personal* property assessable against such person, which are required in the Assessment Roll; and if any reasonable doubt be entertained by the Assessor, of the correctness of any information given by the party applied to, the Assessor shall require from him such written statement.

Statements given by parties not binding on assessors.

46. No such statement shall bind the Assessor, nor excuse him from making due enquiry to ascertain its correctness; and notwithstanding the statement, the Assessor may assess such person for such amount of real or personal property as he believes to be just and correct, and may omit his name or any property which he claims to own or occupy, if the Assessor has reason to believe that he is not entitled to be placed on the Roll or to be assessed for such property.

Penalty for not giving statement or making false statement.

47. In case any person fails to deliver to the Assessor the written statement mentioned in the preceding sections when required so to do, or knowingly states anything falsely in the written statement required to be made as aforesaid, such person shall, on complaint of the Assessor, and upon conviction before a Justice of the Peace having jurisdiction within the County wherein the Municipality is situate, forfeit and pay a fine of twenty dollars, to be recovered in like manner as other penalties upon summary conviction before a Justice of the Peace.

Assessors to give notice to parties of the value at which

48. Every Assessor before the completion of his Roll, shall leave for every party named thereon, resident or domiciled, or having a place of business within the *Municipality*, and shall

transmit by post to every non-resident who shall have required his name to be entered thereon, and furnished his address to the *Clerk*, a notice of the sum at which his real and personal property has been assessed, according to schedule B, *and shall enter on the roll opposite the name of the party, the time of delivering or transmitting such notice, which entry shall be prima facie evidence of such delivery or transmission.*

their properties are assessed.

49. The Assessors shall make and complete their Rolls in every year between the first day of February and such day as the *Municipal Council* may appoint, not later than the fifteenth day of April in Townships and Incorporated Villages, and not later than the first day of May in Cities and Towns, and shall attach thereto a certificate signed by them, respectively, and verified upon oath or affirmation in the form following:—

At what time the assessment roll shall be completed.

"I do certify that I have set down in the above Assessment Roll all the real property liable to taxation situate in the *Municipality* or Ward of (as the case may be) and the true actual value thereof in each case, according to the best of my information and judgment; and also that the said Assessment Roll contains a true statement of the aggregate amount of the personal property, or of the taxable income, of every party named in the said Roll; and that I have estimated and set down the same according to the best of my information and belief; and I further certify that I have entered therein the names of all the resident householders, *tenants*, and freeholders, and of all other freeholders who have required their names to be entered thereon, with the true amount of property occupied or owned by each, and that I have not entered the name of any person whom I do not truly believe to be a householder, tenant or freeholder, or the *bona fide* occupier or owner of the property set down opposite his name, for his own use and benefit, *and that the date of delivery or transmitting the notice required by section forty-eight of the Assessment Act is in every case true and correctly stated in said Roll.*

Certificate to be attached to roll.

50. Every Assessor shall deliver to the Clerk of the *Municipality* the Assessment Roll, completed and added up, with the certificates and affidavits attached; and the clerk shall thereupon file the same in his office, and the same shall, at all convenient office hours, be open to the inspection of all the Household-*ers, Tenants* and Freeholders resident owning or in possession of property in the *Municipality*.

Assessment roll to be delivered up to Clerk of Municipality. To be open to inspection.

COURT OF REVISION AND APPEAL.

51. If the Council of the *Municipality* consists of not more than five members, such five members shall be the Court of Revision for the *Municipality*.

If Council consists of five members only.

52. If the Council consists of more than five members, such Council shall appoint five of its members to be the Court of Revision.

If of more than five.

53. Three members of the Court of Revision shall be a quorum, and a majority of a quorum may decide all questions before the Court.

Three to be a quorum.

The Clerk—
who to be.

54. The Clerk of the Municipality shall be Clerk of the Court, and shall record the proceedings thereof.

Court may
meet and
adjourn from
time to time
at pleasure.

55. The Court may meet and adjourn from time to time at pleasure, or may be summoned to meet at any time by the head of the Municipality.

The Court
may adminis-
ter oaths; and
summon wit-
nesses.

56. The Court or some member thereof, shall administer an oath to any party or witness, before his evidence can be taken, and may issue a summons to any witness to attend such Court.

Penalty on
witnesses who
refuse to
attend.

57. If any witness so summoned fails to attend (having been tendered compensation for his time at the rate of fifty cents a day), he shall incur a penalty not exceeding twenty dollars, to be recoverable with costs, by and to the use of the Municipality, in any way in which penalties incurred under any By-law thereof may be recovered.

The Court to
try complaints
of wrongful
assessment,
&c.

58. At the times or time appointed, the Court shall meet and try all complaints in regard to persons being wrongfully placed upon or omitted from the Roll, or being assessed at too high or too low a sum.

The Court to
finish its busi-
ness by the 1st
June.

59. All the duties of the Court of Revision, which relate to the matters aforesaid, shall be completed and the Rolls finally revised by the Court, before the *fifteenth* day of June in every year.

Course of pro-
ceeding in the
trial of com-
plaints.

60. The proceedings for the trial of complaints shall be as follows :

Notice of com-
plaint by party
aggrieved.

1. Any person complaining of an error or omission in regard to himself, as having been wrongfully inserted on or omitted from the Roll, or as having been undercharged or overcharged by the Assessor in the Roll, may, personally or by his Agent, within fourteen days after the time fixed for the return of the Roll, give notice in writing to the Clerk of the Municipality, that he considers himself aggrieved for any or all of the causes aforesaid.

If an elector
thinks a per-
son has been
assessed at too
low or too high
a rate.

2. If a Municipal elector thinks that any person has been assessed too low or too high, or has been wrongfully inserted on or omitted from the Roll, the Clerk shall, on his request in writing, give notice to such person and to the Assessor, of the time when the matter will be tried by the Court, and the matter shall be decided in the same manner as complaints by a person assessed.

Clerk to give
notice by post-
ing up List.

3. The Clerk of the Court shall post up in some convenient and public place within the Municipality or Ward, a list of all complainants on their own behalf against the Assessors' return, and of all complainants on account of the assessment of other persons, stating the names of each, with a concise description of the matter complained against, together with an announcement of the time when the Court will be held to hear the complaints, but no alteration shall be made in the Roll, unless under a complaint formally made according to the above provisions.

Extension of
time for com-
plaints.

4. When it shall appear that there are palpable errors which need correction, the Court may extend the time for making com-

plaints ten days further, and may then meet and determine the additional matter complained of, and the Assessor may for such purpose be the complainant.

5. Such list may be in the following form :

Form of
Notice List.

Appeals to be heard at the Court of Revision, to be held at
on the day of 18

Appellant.	Respecting whom.	Matter complained of.
A. B.	Self	Overcharged on land.
C. D.	E. F.	Name omitted.
G. H.	J. K.	Not <i>bona fide</i> owner or occupant.
L. M.	N. O.	Personal property un- dercharged.
&c.	&c.	

6. The Clerk shall also advertise in some newspaper published in the *Municipality*, or if there be no such paper, then in some newspaper published in the nearest *Municipality* in which one is published, the time at which the Court will hold its first sitting for the year.

The Clerk to
advertise.

7. The Clerk shall also cause to be left at the residence of each Assessor; a list of all the complaints respecting his Roll.

To leave a list
with the as-
sessor.

8. The Clerk shall prepare a notice in the form following, for each person with respect to whom a complaint has been made :

To prepare
notice to per-
son complained
against.

"Take notice that you are required to attend the Court of Revision at on the day of in the matter of the following appeal :

"Appellant : G. H.

"Subject—That you are not a *bona fide* owner or occupant,
(or as the case may be.)"

(Signed,) "X. Y

"To J. K." "Clerk."

9. If the person resides or has a place of business in the Local Municipality, the Clerk shall cause the notice to be left at the person's residence or place of business.

Service to be
at residence.

10. Or if the person be not known, then to be left with some grown person on the assessed premises, if there be any such person there resident, or if the person be not resident in the Municipality, then the notice to be addressed to such person through the Post Office.

In case of ab-
sentees, how
served.

11. Every notice hereby required, whether by publication, advertisement, letter or otherwise, shall be completed at least six days before the sitting of the Court.

Service to be
six days.

12. If the party assessed complains of an overcharge on his personal property or taxable income, he or his agent may appear before the Court and make a declaration in case the complainant appears in person in the form in Schedule D, E or F, to this Act according to the fact, and if the complainant appears by agent, such agent may make the declaration in the form in Schedule G, H or I, as the case may be. No abatement shall be made from

Appearance
and declara-
tion of persons
deeming them-
selves or any
person for
whom they act
overcharged
on personal
property.

Effect of declaration. *the amount of income on account of debts due, nor from the value of personal property other than income in respect of debts, except debts due for or on account of such personal property, and the Court shall thereupon enter the person assessed at such an amount of personal property or taxable income, as is specified in such declaration, unless such Court shall be dissatisfied with the declaration, in which case the party making the declaration and any witnesses whom it may be desirable to examine may be examined on oath by such Court, respecting the correctness of such declaration, and such Court shall confirm, alter or amend the roll as the evidence shall seem to warrant.*

In other cases the Court to determine, &c. 13. In other cases the Court, after hearing upon oath the complainant, and the Assessor or Assessors, and any witness adduced, *and if deemed desirable the party complained against* shall determine the matter, and confirm or amend the Roll accordingly.

When to proceed *ex parte*. 14. If either party fails to appear, either in person or by an agent, the Court may proceed *ex parte*.

The roll as finally passed to bind all parties. 61. The Roll, as finally passed by the Court, and certified by the Clerk, as so passed, shall be valid and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such Roll, except in so far as the same may be further amended, on appeal to the Judge of the County Court.

Further powers granted to Court of Revision for remitting or reducing taxes. 62. The Court shall also, before or after the *fifteenth* day of June, and with or without notice, receive and decide upon the Petition from any person assessed for a tenement which has remained vacant during more than three months in the year for which the assessment has been made, or from any person who declares himself, from sickness or extreme poverty, unable to pay the taxes; or who, by reason of any gross and manifest error in the Roll as finally passed by the Court, has been overcharged more than twenty-five per cent, on the sum he ought to be charged, and the Court may, subject to the provisions of any By-law in this behalf, remit or reduce the taxes due by any such person, or reject the petition; and the Council of any Local Municipality may, from time to time, make such By-laws, and repeal or amend the same.

APPEAL FROM THE COURT OF REVISION.

Parties dissatisfied with decision of Court of Revision may appeal to Judge of County Court, and in what manner and on what terms. 63. If a person be dissatisfied with the decision of the Court of Revision, he may appeal therefrom,—in which case :—

1. He shall, within three days after the decision, in person or by Attorney or Agent, serve upon the Clerk a written notice of his intention to appeal to the County Judge.

2. The Clerk, shall thereupon, give notice to all the parties appealed against, in the same manner as is provided for notice of complaint by the sixty-first section of this Act.

3. The party appealing shall, at the same time and in like manner, give a written notice of his appeal to the Clerk of the Division Court within the limits of which the Municipality or Assessment District is situated, and shall deposit with him the

sum of two dollars for each *decision* appealed against, as security for the costs of the appeal.

4 The Judge shall appoint a day for hearing the appeal. Day for hearing.

5. The Clerk of the Division Court shall cause a notice to be *conspicuously* posted up at the office of such Court, containing the names of all the appellants and parties appealed against, *with a brief statement of the ground or cause of appeal*, together with the date at which a Court will be held to hear *such appeal*. List of appellants, &c.

6. At the Court so holden the Judge shall hear the appeals, and may adjourn the hearing from time to time and defer the judgment thereon at his pleasure, so that a return can be made to the Clerk of the Municipality before the fifteenth day of July. Hearing and adjournment.

64. In case any non-resident whose land, within the limits of any *City*, Town, Incorporated Village or Township, has been or shall be assessed in any revised and corrected Assessment Roll, complains by petition to the proper Municipal Council, at any time before the first day of May in the year next following that in which the assessment is made, such Council shall, at its first meeting, after one week's notice to the appellant, try and decide upon such complaint. All decisions of Municipal Councils under this Act may be appealed from, tried and decided, as provided by the sixtieth section of this Act; and if the lands shall be found to have been assessed twenty-five per cent. higher than similar land belonging to residents, the Council or Judge shall order the taxes rated on such excess to be struck off; in all such cases where the land has been sub-divided into park, village, or town lots, if the same are owned by the same person or persons, the statute labor tax shall be charged only upon the aggregate of the assessment, according to the provisions of this Act; but no Roll shall be amended under this section of this Act if the complaint was tried and decided before such roll was finally revised and corrected, under the provisions of the sixtieth, sixty-first, sixty-second and sixty-third sections of this Act. This clause shall not affect the right of appeal against the assessment made prior to the year one thousand eight hundred and sixty-six, at any time before the land in question shall have been sold for taxes. If such lands should, during such appeal, be advertised for sale, the land shall be charged with all costs incurred, but no appeal shall be made after the issue of a warrant by the Treasurer or Chamberlain for the collection of taxes. Appeals with respect to non-resident lands.

65. At the Court to be holden by the County Judge, or acting Judge of the Court, to hear the appeals hereinbefore provided for, the person having the charge of the Assessment Roll passed by the Court of Revision shall appear and produce such Roll, and all papers and writings in his custody connected with the matter of appeal, and such Roll shall be altered and amended according to the decision of the Judge (if then given), who shall write his initials against any part of the said Roll in which any mistake, error or omission is corrected or supplied, or if the said Roll be not then produced or the decision be not then given by the Judge, such decision and judgment shall be certified by the Clerk of the Court to the Clerk of the Municipality, who shall forthwith alter and amend the Roll according to the same, and shall write his name against every such alteration or correction. Reduction for excess.
Lots subdivided not to affect rolls revised and corrected.
Nor appeals against former assessments.
Assessment Roll to be produced to the Court.
And amended according to the decision of the Judge.
Amendments, how certified.

County Judge
to have power
to examine on
oath, &c.

66. In all proceedings before the County Judge or acting Judge of the Court, under or for the purposes of this Act, such Judge shall possess all such powers for compelling the attendance of, and for the examination on oath, of all parties, whether claiming or objecting or objected to, and all other persons whatsoever, and for the production of books, papers, rolls and documents, and for the enforcement of his orders, decisions and judgments, as belong to or might be exercised by him, either in term, time or vacation, in the same Court, in relation to any matter or suit depending in the said Court.

Costs to be
apportioned by
the Judge, and
how enforced.

67. The cost of any proceeding before the *Court of Revision* or Judge as aforesaid, shall be paid by or apportioned between the parties, in such manner as the *Court or Judge* shall think fit, and costs ordered to be paid by any party claiming or objecting or objected to, or by any Assessor, Clerk of a Municipality, or other person may be enforced *when ordered by the Court, by a distress warrant under the hand of the Clerk and corporate seal of the Municipality, and when ordered by the Judge by execution from the County Court, of which such Judge is the Judge,* in the same manner as upon an ordinary judgment recovered in such Court.

By what scale
of fees costs to
be taxed.

68. The costs shall be taxed according to the Schedule of Fees under the Division Courts Act, as in suits for the recovery of sums exceeding forty and not exceeding sixty dollars in the said Court.

The decision of
County Judge
to be final.

69. The decision and judgment of the Judge or acting Judge shall be final and conclusive in every case adjudicated, and the Clerk of the Municipality shall amend the Rolls accordingly.

Copy of roll to
be transmitted
to County
Clerk.

70. When, after the appeal provided by this Act, the Assessment Roll has been finally revised and corrected, the Clerk of the Municipality shall, without delay, transmit to the County Clerk a certified copy thereof.

COUNTY COUNCILS.

Assessment
roll to be
examined
annually by
Municipal
Council of the
County, for the
purpose of
equalizing the
valuation in
the different
municipalities
for county
rates.

71. The Council of every County shall, yearly, before imposing any county rate, and not later than the first day of July, examine the Assessment Rolls of the different Townships, Towns, and Villages, in the county, for the preceding financial year, for the purpose of ascertaining whether the valuation made by the Assessors in each Township, Town or Village for the current year, bears a just relation to the valuation so made in all such Townships, Towns, and Villages, and may for the purpose of County rates, increase or decrease the aggregate valuations of real and personal property in any Township, Town or Village, adding or deducting so much per cent. as may, in their opinion, be necessary to produce a just relation between all the valuations of real and personal estate in the county, but they shall not reduce the aggregate valuation thereof for the whole county as made by the Assessors.

(1) In equalizing the Rolls of the Towns and Villages, the County Council shall take the interest of the amounts returned on the Rolls, at six per centum, and capitalize the same at ten per centum and such capitalization shall be the aggregate

valuation for such Towns and Villages for the purposes mentioned in the preceding section.

72. If the Clerk of the Municipality has neglected to transmit a certified copy of the Assessment Rolls, such neglect shall not prevent the County Council from equalizing the valuations in the several Municipalities according to the best information obtainable, and any rate imposed according to the equalized assessment shall be as valid as if all the Assessment Rolls had been transmitted.

If Clerk of any municipality omits sending copy of roll.

73. In cases where Valuers are appointed by the Council to value all the real and personal property within the County, they shall attest their report by oath or affirmation in the same manner as Assessors are required to verify their Rolls by the one hundred and thirteenth section of this Act.

Valuers to attest their report on oath.

74. The Council of a County, in apportioning a County rate, among the different Townships, Towns and Villages within the County, shall, in order that the same may be assessed equally on the whole rateable property of the County, make the amount of property returned on the Assessment Rolls of such Townships, Towns, and Villages, or reported by the Valuers as finally revised and equalized for the preceding year, the basis upon which the apportionment is made.

The apportionment of County rates to be based upon the assessment rolls of preceding year.

75. If a new Municipality be erected within a county, so that there are no Assessment or Valuers' Rolls of the new Municipality for the next preceding year, the County Council shall, by examining the Rolls of the former Municipality or Municipalities of which the new Municipality then formed part, ascertain to the best of their judgment what part of the Assessment of the Municipality or Municipalities had relation to the new Municipality and what part should continue to be accounted as the Assessment of the original Municipality, and their several shares of the county tax shall be apportioned between them accordingly.

As to new Municipalities.

76. When a sum is to be levied for county purposes, or by the county for the purposes of a particular locality, the Council of the county shall ascertain, and by By-law direct, what portion of such sum shall be levied in each Township, Town or Village in such county or locality.

County Council to apportion by By-laws sums required for County purposes.

77. The County Clerk shall, before the fifteenth day of August in each year, certify to the Clerk of each Municipality in the County, the total amount which has been so directed to be levied therein for the then current year, for County purposes, or for the purposes of any such locality, and the Clerk of the Municipality shall calculate and insert the same in the Collector's Roll for that year.

County Clerk to certify amounts to Clerks of Local Municipalities.

78. Nothing in this Act contained shall alter or invalidate any special provisions for the collection of a rate for interest on County Debentures, whether such provisions be contained in any Municipal Corporations' Act heretofore or still in force in this Province, or any Act respecting the Consolidated Municipal Loan Fund in Upper Canada, or in any general or special Act

This Act not to affect provisions for rates to raise interest on County Debentures.

authorising the issue of Debentures, or in any by-law of the County Council providing for the issue of the same.

STATUTE LABOR.

- Persons in Military Service exempt.

79. No person in Her Majesty's Naval or Military Service on full pay or on actual service shall be liable to perform Statute Labor or to commute therefor.
- Who liable, and in what ratio in cities, towns, and villages.

80. Every other male inhabitant of a City, Town or Village, of the age of twenty-one years and upwards, and under sixty years of age, (and not otherwise exempted by law from performing statute labor) who has not been assessed upon the Assessment Roll of the City, Town or Village, or whose taxes do not amount to two dollars, shall, instead of such labor, be taxed at two dollars yearly therefor, to be levied and collected at such time, by such person, and in such manner as the Council of the Municipality shall by by-law direct—and which person shall not be required to have any property qualification.
- Collector.
- Where to be performed.

81. No person shall be exempt from the tax in the last preceding section named *unless he shall produce* a certificate of his having performed statute labor or paid the tax elsewhere.
- Liability of persons not otherwise assessed in townships.

82. Every male inhabitant of a Township between the ages aforesaid, who is not otherwise assessed to any amount (and who is not exempt by law from performing statute labour) shall be liable to *two* days of statute labour on the roads and highways in the Township, and no Council shall have any power to reduce the statute labor required under this section.
- Ratio of service, in case of persons assessed.

83. Every person assessed upon the Assessment Roll of a Township shall, if his property is assessed at not more than \$300, be liable to two days' statute labor.
At more than \$300 but not more than \$500 3 days.
do 500 do 700 4
do 700 do 900 5
And for every \$300 over \$900 or any fractional part thereof over \$150, one additional day.
- Council may reduce or increase the number of days proportionately.

But the Council of any Township, by a By-law operating generally and rateably, may reduce or increase the number of days' labour to which all the parties rated on the Assessment Roll or otherwise shall be respectively liable, so that the number of days' labor to which each person is liable shall be in proportion to the amount at which he is assessed. In Townships where farm lots have been sub-divided into park or village lots, and the owners are not resident and have not required their names to be entered on the Assessment Roll, the statute labour shall be commuted by the Township Clerk in making out the list required under the ninety-second section of this Act when such lots are under the value of two hundred dollars, to a rate not exceeding one half per cent. on the valuation, but the Council may direct a less rate to be imposed by a general by-law affecting such village lots.
- Lots sub-divided as part lots, &c.
- Commutation may be at \$1 per day.

84. The Council of any Township may by by-law direct that a sum not exceeding one dollar a day shall be paid as com-

mutation of statute labor, in which case the commutation tax shall be added in a separate column in the Collector's Roll, and shall be collected and accounted for like other taxes.

85. Any local Municipal Council may, by a by-law passed for that purpose, fix the rate at which parties may commute their statute labour, at any sum not exceeding one dollar for each day's labour, and the sum so fixed shall apply equally to residents who are subject to statute labor, and to non-residents in respect to their property. Commutation may be fixed at any sum not exceeding \$1.

86. When no such by-law has been passed, the statute labor in the Townships in respect of lands of non-residents, shall be commuted at the rate of *one dollar* for each day's labour. If no By-law, commutation to be at one

87. Any person liable to pay the sum named in the eighth section of this Act, shall pay the same to the Collector to be appointed to collect the same within two days after demand thereof by the said Collector, and in case of neglect or refusal to pay the same, the Collector may levy the same by distress of his goods and chattels, with costs of the distress, and if no sufficient distress can be found, then upon summary conviction before a Justice of the Peace of the County in which the local Municipality is situate, of his refusal or neglect to pay the said sum, and of there being no sufficient distress, he shall incur a penalty of five dollars with costs, and in default of payment at such time as the convicting Justice shall order, shall be committed to the Common Gaol of the County and be there put to hard labor for any time not exceeding ten days, unless such penalty and costs and the costs of the warrant of commitment and of conveying the said person to gaol, shall be sooner paid. Payment of tax in lieu of statute labor may be enforced by distress or imprisonment.

88. No non-resident who has not required his name to be entered on the Roll, shall be permitted to perform statute labour in respect of any land owned by him, but a commutation tax shall be charged against every separate lot or parcel according to its assessed value. Non-residents, when not admitted, to perform statute labor.

89. In case any non-resident, whose name has been entered on the resident roll, does not perform his statute labour or pay commutation for the same, the Overseer of the Highways in whose division he is placed, shall return him as a defaulter to the Clerk of the Municipality, before the fifteenth day of August, and the Clerk shall, in that case, enter the commutation for statute labour against his name in the Collector's Roll, and if at any time before the first day of May then next ensuing, the owner of any non-resident's land gives in writing to the County Treasurer, a list of the lands owned by him in the Municipality, and tenders to him the taxes in full on such land and the just commutation money as herein provided, he shall be liable to the commutation for statute labor, only upon the aggregate value of all the lands owned by him in each local Municipality, according to section eighty-three, but after the first day of May as aforesaid, no change shall be made in the commutation for statute labour charged against each separate parcel, in consequence of more than one parcel being owned by the same party. If non-resident admitted but does not perform.

Amount of non-resident's statute labour. Costs.

COLLECTION OF RATES.

Clerk of the Municipality to make out a Collector's roll: its form and contents.

90. The Clerk of every *Local Municipality* shall make a Collector's Roll or Rolls as may be necessary, containing columns for all information required by this Act, to be entered by the Collector therein on which he shall set down the name in full of every person assessed, and the assessed value of his real and personal property and taxable income, as ascertained after the final revision of the assessments, and he shall calculate, and opposite the said assessed value as therein described of each respective party, he shall set down in one column to be headed "County Rates," the amount for which the party is chargeable for any sums ordered to be levied by the Council of the County for County purposes, and in another column to be headed "Township," "Village," "Town," or "City Rate," the amount with which the party is chargeable in respect of sums ordered to be levied by the Council of the Local Municipality for the purposes thereof, or for the commutation of statute labour, and in other columns any special rate for collecting the interest upon debentures issued, or any local rate or school rate or other special rate, the proceeds of which are required by law or by the by-law imposing it, to be kept distinct and accounted for separately. Every such last-mentioned rate shall be calculated separately, and the column therefor headed "Special Rate," "Local Rate," "School Rate," as the case may be.

How rates to be headed.

Provincial taxes to be assessed and collected in the same manner as local rates.

91. All moneys assessed, levied, and collected under any Act by which the same are made payable to the Receiver General of the late Province of Canada or Treasurer of this Province, or other Public Officer for the public uses of the Province, or for any special purpose or use mentioned in the Act, shall be assessed, levied and collected, in the same manner as local rates, and shall be similarly calculated upon the assessments as finally revised, and shall be entered in the Collectors' Rolls in separate columns, in the heading whereof shall be designated the purpose of the rate, and the Clerk shall deliver the Roll, certified under his hand, to the Collector, on or before the first day of October, or such other day as may be prescribed by a by-law of the Local Municipality,

Clerk to make out another roll of lands of non-residents whose names are not in the assessment roll, and transmit it to County Treasurer or City Chamberlain.

92. The Clerk of every Local Municipality shall also make out a Roll, in which he shall enter the lands of non-residents whose names have not been set down in the Assessor's Roll, together with the value of every lot, part of lot, or parcel, as ascertained after the revision of the Rolls, and he shall enter opposite to each lot or parcel, all the rates or taxes with which the same is chargeable, in the same manner as is provided for the entry of rates and taxes upon the Collector's Roll, and shall transmit the Roll so made out, certified under his hand, to the Treasurer of the County in which his Municipality is situate, or to the City Chamberlain, as the case may be, on or before the first day of November.

COLLECTORS AND THEIR DUTIES.

93. The Collector, upon receiving his Collection Roll, shall proceed to collect the taxes therein mentioned.

Duties of Collectors.

94. He shall call at least once on the person taxed, or at the place of his usual residence or domicile, or place of business, if within the local Municipality, in and for which such Collector has been appointed, and shall demand payment of the taxes payable by such person, *and shall at the time of such demand enter the date thereof on his collection roll opposite the name of the person taxed, and such entry shall be prima facie evidence of such demand.*

Shall demand the payment of rates.

95. In case any person neglects to pay his taxes for fourteen days after such demand, as aforesaid, the Collector may, by himself or by his agent, levy the same with costs, by distress of the goods and chattels of the person who ought to pay the same, or of any goods or chattels in his possession, wherever the same may be found within the County in which the local Municipality lies, *or of any goods or chattels found on the premises, the property of, or in the possession of any other occupant of the premises.* The costs chargeable shall be those payable to Bailiffs under the Division Courts Act.

If payment be not made, collectors to levy the tax by distress and sale.

96. If any person whose name appears on the Roll be not resident within the Municipality, the Collector shall transmit to him by post, *addressed in accordance with the notice given by such non-resident if notice has been given,* a statement and demand of the taxes charged against him in the Roll, *and shall, at the time of such transmission, enter the date thereof on the Roll opposite the name of such person and such entry shall be prima facie evidence of such transmission and of the time thereof.*

By post in cases of non-residents.

97. In case of the land of non-residents, who have required their names to be entered on the Roll, the Collector, after one month from the date of the delivery of the Roll to him, and after fourteen days from the time such demand as aforesaid has been transmitted to him by post, may make distress of any goods and chattels which he may find upon the land; and no claim of property, lien or privilege shall be available to prevent the sale, or the payment of the taxes and costs out of the proceeds thereof.

When Collectors may distress for rates on non-resident land.

98. The Collector shall, by advertisement, posted up in at least three public places in the Township, Village or Ward wherein the sale of the goods and chattels distrained is to be made, give at least six days' public notice of *the time and place of such sale,* and of the name of the person whose property is to be sold; and at the time named in the notice, the Collector or his agent shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary.

Public notice of sale to be given, and in what manner.

99. If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus be made by any other person, on the ground that the property sold belonged to him, or that he was entitled by lien or other right, to the surplus, such surplus shall be returned to the person

Surplus, if unclaimed, to be paid to the party in whose possession the goods were.

in whose possession the property was when the distress was made.

Or to admitted claimant.

100. If any such claim be made by the person for whose taxes the property was distrained, and the claim is admitted, the surplus shall be paid to the claimant.

If the right to such surplus be contested.

101. If the claim is contested, such surplus money shall be paid over by the Collector to the Treasurer or Chamberlain of the local Municipality, who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise.

Taxes not otherwise recoverable may be recovered by action. Copy of Collector's Roll to be *prima facie* evidence of amount due.

102. If the taxes payable by any person cannot be recovered in any special manner provided by this Act, they may be recovered with interest and costs, as a debt due to the local Municipality; in which case the production of a copy of so much of the Collector's Roll as relates to the taxes payable by such person, purporting to be certified as a true copy by the Clerk of the local Municipality, shall be *prima facie* evidence of the debt.

Collector to return his roll and pay over the proceeds by the day to be appointed by Municipal Council.

103. On or before the fourteenth day of December in every year, or on such day in the next year not later than the first of April, as the Council of the *Municipality* may appoint, every Collector shall return his Roll to the Treasurer or Chamberlain, and shall pay over the amount payable to such Treasurer or Chamberlain; specifying in a separate column on his Roll how much of the whole amount paid over is on account of each separate rate; and shall make oath before the Treasurer or Chamberlain that the date of the demand of payment and transmission of statement, and demand of taxes required by sections ninety-four and ninety-six, in each case has been truly stated by him in the Roll.

Another person may be employed to collect taxes which the collector does not collect by a certain day.

104. In case the Collector fails or omits to collect the taxes or any portion thereof, by the day appointed or to be appointed as in the last preceding section mentioned, the Council of the City, Town, Village or Township may, by resolution, authorize the Collector or some other person in his stead, to continue the levy and collection of the unpaid taxes in the manner and with the powers provided by law for the general levy and collection of taxes, but no such resolution or authority shall alter or affect the duty of the Collector to return his Roll, or shall in any manner whatsoever invalidate or otherwise affect the liability of the Collector or his sureties.

Proceedings if any taxes are returned as unpaid.

105. If any of the taxes mentioned in the Collector's Roll remain unpaid, and the Collector be not able to collect the same, he shall deliver to the Chamberlain or Treasurer of his Municipality, an account of all the taxes remaining due on the roll; and in such account the Collector shall show, opposite to each assessment, the reason why he could not collect the same, by inserting in each case the words "non-resident" or "not sufficient property to distrain," as the case may be.

When collected to be credited for the amount.

106. Upon making oath before the Treasurer or Chamberlain that the sums mentioned in such account remain unpaid, and that he has not, upon diligent enquiry, been able to dis-

cover sufficient goods or chattels belonging to or in possession of the parties charged with or liable to pay such sums, or on the premises belonging to or in the possession of any occupant thereof, whereon he could levy the same, or any part thereof, the Collector shall be credited with the amount not realized.

107. The taxes accrued on any land shall be a special lien on such land, having preference over any claim, lien, privilege or incumbrance of any party except the Crown, and shall not require registration to preserve it. Taxes to be a lien upon land.

YEARLY LISTS OF LANDS GRANTED BY THE CROWN.

108. The Commissioner of Crown Lands shall in the month of February in every year, transmit to the Treasurer of every county, a list of all the land within the county, located as free grants, sold or agreed to be sold by the Crown, or leased, or in respect of which a licence of occupation issued during the preceding year. Lists of lands granted, &c., to be furnished annually to County Treasurer by Commissioner of Crown Lands.

109. The County Treasurer shall furnish to the Clerk of each local Municipality in the county a copy of the said lists, as far as regards lands in such Municipality, and such Clerk shall furnish the Assessors respectively a statement shewing what lands in the said annual list are liable to assessment within such Assessor's assessment district. County Treasurer to furnish a copy of the list to the Clerks of Local Municipalities.

COUNTY TREASURERS, LOCAL TREASURERS, CLERKS AND ASSESSORS; THEIR DUTIES.

110. The Treasurer of every county shall furnish to the Clerk of each Municipality, except in Cities and Towns, in the County, a list of all the lands in his Municipality, in respect of which any taxes shall have been in arrears for three years preceding the first day of January in any year; and the said list shall be so furnished on or before the fifteenth day of February in every year, and shall be headed in the words following:—"List of lands liable to be sold for arrears of taxes in the year one thousand eight hundred and ~~one~~ ^{one}; and for the purposes of this Act, the taxes for the first year of the three which have expired under the provisions of this Act, on any land to be sold for taxes, shall be deemed to have been due for three years, although the same may not have been placed upon a Collection Roll until some month in the year, later than the month of January. County Treasurer to furnish Local Clerks with lists of lands three years in arrears for taxes.

111. The Clerk of every Municipality in each county is hereby required to keep the said list, so furnished by the County Treasurer, on file in his office, subject to the inspection of any person requiring to see the same, and he shall also deliver to the Assessor or Assessors of the Municipality, each year, as soon as such Assessor or Assessors are appointed, a copy of such list; and it shall be the duty of the Assessor or Assessors to ascertain if any of the lots or parcels of land contained in such list are occupied, or are incorrectly described, and to notify such occupants and also the owners thereof, if known and resident within the Municipality, upon their respective Assessment notices, that the land is liable to be sold for arrears of taxes, and enter in a column (to be reserved for the purpose) the words "occupied and parties notified," or "not Local Clerks to keep the lists in their offices open to inspection and give copies to assessors, to notify occupants.

Lists to be returned as to towns and cities withdrawn from counties.

occupied," as the case may be; all such lists shall be signed by the Assessor or Assessors and returned to the Clerk with the Assessment Roll, *together with a memorandum of any error discovered therein*, and the Clerk shall file the same in his office for public use; and every such list, or copy thereof, shall be received in any Court as evidence in any case arising concerning the assessment of such lands; and the duties herein imposed upon the Treasurer of any County and the Clerk and Assessors of any Municipality, shall be performed by the Chamberlain or Treasurer and the Clerks and Assessors of Cities and Towns.

Assessor's certificate.

112. All Assessors shall attach to each such list a certificate signed by them, and verified by oath or affirmation, in the form following:

Form.

"I do certify that I have examined all the lots in this list named, and that I have entered the names of all occupants thereon, as well as the names of the owners thereof, when known, and that all the entries relative to each lot are true and correct to the best of my knowledge and belief."

Local Clerks to certify lands which have become occupied.

113. The Clerk of each Municipality shall, before the first day of May in each year, examine the Assessment Roll when returned by the Assessor, and ascertain whether any lot embraced in the said list last received by him from the County Treasurer, is entered upon the Roll of the year as then occupied, *or is incorrectly described*; and the said Clerk shall, on or before the first day of May in each year, furnish to the County Treasurer, a list of the several parcels of land which shall appear on the Resident Roll as having become occupied, *or which have been returned by the Assessor as incorrectly described*; and the said County Treasurer shall on or before the first day of July in the then current year, return to the Clerk of each Municipality an account of all arrears of taxes due in respect of such occupied lands, including the percentage chargeable under section one hundred and twenty-six of this Act; and the Clerk of each Municipality shall, in making out the Collector's Roll of the year, add such arrears of taxes to the taxes assessed against such occupied lands for the current year, and such arrears shall be collected in the same manner, and subject to the same conditions as all other taxes entered upon the Collector's Roll.

County Treasurer to certify taxes due on them.

Clerk to insert such amount on Collector's Roll.

If there is not sufficient distress on such lands.

114. If there shall not be sufficient distress upon any of the occupied lands in the preceding section named, to satisfy the total amount of the taxes charges against the same, as well for the arrears as for the taxes of the current year, the Collector shall so return it in his Roll to the Treasurer of the Municipality, shewing the amount collected, if any, and the amount remaining unpaid, and stating the reason why payment has not been made.

Statement of arrears to be returned by Local Treasurer, and when.

115. The Treasurer of each local Municipality shall, within fourteen days after the time appointed for the return and final settlement of the Collector's Roll, and before the eighth day of April in every year, furnish the County Treasurer with a statement of all arrears of taxes and school rates directed in the said Collector's Roll, or by School Trustees to be collected, such return to contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, on lands of non-residents, which have become occupied, as required by section one hundred and eleven of this Act, and generally such other information as

the County Treasurer may require and demand, in order to enable him to ascertain the just tax chargeable upon any land in the Municipality for that year, and the County Treasurer shall not be bound to receive any such statement after the eighth day of April in each year.

116. In case it shall be found by the statement directed by the last preceding section to be made to the County Treasurer, that the arrears of taxes upon the occupied lands of non-residents, directed by the one hundred and thirteenth section of this Act to be placed on the Collector's Roll, or any part thereof, remain in arrear, such land shall be liable to be sold for such arrears and shall be included in the next or ensuing list of lands to be sold by the County Treasurer, under the provisions of the one hundred and twenty-eighth section of this Act, notwithstanding that the same may be occupied in the year when such sale takes place, and such arrears shall not again be placed upon the Collector's Roll for collection.

Liability of lands to sale if arrears are not paid; and when.

117. If the Clerk of any such Municipality shall neglect to preserve the said list of land in arrears for taxes, furnished to him by the County Treasurer or to furnish copies of such lists, as required, to the Assessor or Assessors, or shall neglect to return to the County Treasurer a correct list of the lands which have come to be occupied, as required by the one hundred and fourteenth section of this Act, and a statement of the balances which may remain uncollected on any such lots, as required by the one hundred and fifteenth section of this Act; or if any Assessor or Assessors shall neglect to examine such lands as are entered on each such list, and make returns in manner hereinbefore directed, every officer making such default, shall, on summary conviction thereof, before any two Justices of the Peace having jurisdiction in the county in which such Municipality is situated, be liable to the penalties imposed by sections one hundred and seventy-six, one hundred and seventy-seven, and one hundred and seventy-eight of this Act. All fines so imposed to be recoverable by distress and sale of any goods and chattels of the party making default.

Penalty on Local Clerk neglecting his duties under preceding sections, and on assessors so neglecting.

How to be levied.

118. After the Collector's Roll has been returned to the Treasurer of the local Municipality, and before such Treasurer has furnished the statement to the County Treasurer, mentioned in section one hundred and fifteen, arrears of taxes may be paid to such local Treasurer, but after the said statement has been furnished to the County Treasurer, no more money on account of the arrears then due shall be received by any officer of the Municipality to which the Roll relates.

After such return, local officers not to receive taxes.

119. The collection of the arrears shall thenceforth belong to the Treasurer of the County alone, and he shall receive payment of such arrears, and of all taxes on lands of non-residents, and he shall give a receipt therefor specifying the amount paid, for what period, the description of the lot or parcel of land, and the date of payment, in accordance with the provisions of section one hundred and seventy-two of this Act.

Collection of arrears to belong to Treasurer of County only.

(1.) Any local Municipality may by by-law remit either in the whole or in part, any taxes now due or to become due upon the lands of non-residents within such Municipality, specifying

the particular lands upon which the remission is made; and upon the passing of such By-law it shall be the duty of the Clerk forthwith, to transmit a copy of the By-law to the Treasurer or other Officer having the collection of such arrears, who shall then collect only so much of said taxes as are not remitted.

The whole amount to be paid at once, unless the land is subdivided.

120. The Treasurer shall not receive any part of the tax charged against any parcel of land unless the whole arrears then due be paid, or satisfactory proof is produced of the previous payment, or erroneous charge of any portion thereof; but if satisfactory proof is adduced to him that any parcel of land on which taxes are due, has been subdivided, he may receive the proportionate amount of tax chargeable upon any of the subdivisions, and leave the other subdivisions chargeable with the remainder, and the Treasurer may, in his books, divide any piece or parcel of land which may have been returned to him in arrear for taxes, into as many parts as the necessities of the case may require.

If demanded, Treasurer to give a written statement of arrears.

121. The Treasurer shall, on demand, give to the owner of any land charged with arrears of taxes, a written statement of the arrears at that date, and he may charge twenty cents for the search on each separate lot or parcel not exceeding four, and for every additional ten lots, a further fee of twenty cents, but the Treasurer shall not make any charge for search to any person who forthwith pays the taxes.

Lands on which taxes remain unpaid to be entered in books kept for the purpose by County Treasurer, &c. Books to be made up and balanced yearly.

122. The Treasurer of every County shall keep a separate book for each local Municipality, in which he shall enter all the lands in the Municipality on which it appears from the returns made to him by the Clerk and from the Collector's Roll returned to him, that there are any taxes unpaid, and the amounts so due, and he shall, on the first day of May in every year, complete and balance his books by entering against every parcel of land, the arrears, if any, due at the last settlement, and the taxes of the preceding year which remain unpaid, and he shall ascertain and enter therein the total amount of arrears, if any, chargeable upon the land at that date.

Proceedings where any land is found not to have been assessed in any year.

123. If at the yearly settlement to be made on the first day of May, it appears to the Treasurer that any land liable to assessment has not been assessed, he shall report the same to the Clerk of the Municipality, and the Clerk shall enter such land on the Collector's Roll of the current year or on the roll of non-residents as the case may be, as well for the arrears omitted of the year preceding only (if any) as for the tax of the current year; and the valuation of such land so entered shall be the average valuation of the three previous years, if assessed for the said three years, but if not so assessed, the Clerk shall require the Assessor or Assessors for the current year to value such lands and it shall be the duty of the Assessor or Assessors to value such lands when required and certify the valuation in writing to the Clerk. The owners of such lands shall have the right to appeal to the Council at its next or some subsequent meeting after the taxes thereon have been demanded by the collector, but within fourteen days after such demand, which demand shall be made by the Collector before the tenth day of November, and the Council shall hear and determine such appeal on some day not later than the first day of December.

How land shall be valued.

Appeal from valuation.

124. The County Treasurer may correct any clerical error which he himself discovers from time to time, or which may be certified to him by the Clerk of any Municipality. Treasurer to correct errors.

2. If any person produces to the Treasurer, *as evidence of payment of any tax*, any paper purporting to be a receipt of a Collector, School Trustee, or other *Municipal Officer*, he shall not be bound to accept the same until he has received a report from the Clerk of the Municipality interested, certifying the correctness thereof, or until he shall be otherwise satisfied such tax has been paid. As to pretended receipts, &c.

125. If at the balance to be made on the first day of May in every year, it appears that there are any arrears due upon any parcel of land, the Treasurer shall add to the whole amount then due, eight per cent. thereon. Eight per cent. to be added to arrears yearly.

126. Whenever the County Treasurer is satisfied that there is distress upon any lands of non-residents in arrear for taxes, he shall issue a warrant under his hand and seal to the Collector of the local Municipality; who shall thereby be authorized to levy the amount due, upon any goods and chattels found upon the land, in the same manner and subject to the same provisions as are contained in the sections from section ninety-five to section one hundred and one of this Act, with respect to distresses made by Collectors. If there be distress upon lands of non-residents, County Treasurer may authorize Collector to levy.

127. Unpatented land vested in or held by Her Majesty, which shall hereafter be sold, or agreed to be sold, to any person, or which shall be located as a free grant, shall be liable to taxation from the date of such sale or grant, and any such land which has been already sold or agreed to be sold to any person, or has been located as a free grant, prior to the first day of January, one thousand eight hundred and sixty-three, shall be held to have been liable to taxation since the first day of January; one thousand eight hundred and sixty-three, and all such lands shall be liable to taxation thenceforward under this Act, in the same way as other land, whether any license of occupation, location ticket, certificate of sale, or receipt for money paid on such sale, has or has not been, or shall or shall not be issued, and (in case of sale, or agreement for sale by the Crown) whether any payment has or has not been, or shall or shall not be made thereon, and whether any part of the purchase money is or is not overdue and unpaid; but such taxation shall not in any way affect the rights of Her Majesty in such lands. From what period unpatented land shall be liable to taxation. Rights of the Crown saved.

128. Whenever a portion of the tax on any land has been due for and in the *third* year, or for more than *three* years preceeding the current year, the Treasurer of the County shall, unless otherwise directed by a by-law of the County Council, submit to the Warden of such county a list in duplicate of all the lands liable under the provisions of this Act, to be sold for taxes, with the amount of arrears against each lot set opposite to the same, and the Warden shall authenticate each of such lists by affixing thereto the seal of the corporation and his signature, and one of such lists shall be deposited with the Clerk of the County, and the other shall be returned to the Treasurer, with a warrant thereto annexed, under the hand of the Warden and the seal of the County, commanding him to levy upon the land for the arrears due When lands to be sold for taxes. Arrears due for three years be levied by warrant of the Warden to the Treasurer.

Proviso as to warrants issued before 1st Jan., 1867, to Sheriff or High Bailiff.

thereon, with his costs; Provided always, that when a warrant has been placed in the hands of the Sheriff or High Bailiff, before the first day of January, one thousand eight hundred and sixty-seven, commanding him to collect arrears of taxes, he shall proceed with the collection thereof under the provisions of the Acts in force before the passing of this Act, and in every case in which such collection is made by sale of any lands, the Sheriff or High Bailiff shall, in the event of the lands not being redeemed according to law, complete the sale by a deed of conveyance to the purchaser.

County Council, &c., may extend the period for payment.

129. The Council of a County, City or Town shall have power to extend the time for the payment of taxes beyond the term of *three* years, by by-law passed for that purpose.

Treasurer's duty on receiving warrant to sell.

130. It shall not be the duty of the Treasurer of any County to make inquiry before effecting a sale of lands for taxes, to ascertain whether or not there is any distress upon the land, nor shall he be bound to inquire into or form any opinion of the value of the land, and if any tax in respect to any lands sold by the Treasurer after the passing of this Act, in pursuance of and under the authority thereof, shall have been due for the *third* year or more years preceding the sale thereof, and the same shall not be redeemed in one year after the said sale, such sale and the official Deed to the purchaser of any such lands (provided the sale shall be openly and fairly conducted) shall be final and binding upon the former owners of the said lands, and upon all persons claiming by, through or under them, it being intended by this Act that all owners of land shall be required to pay the arrears of taxes due thereon within the period of *three* years, or redeem the same within one year after the Treasurer's sale thereof.

Deed to be binding on all, if land not redeemed in one year.

What lands only the Treasurers shall sell.

131. The Treasurer shall not sell any lands which have not been included in the lists furnished by him to the clerks of the several Municipalities in the month of February preceding the sale, nor any of the lands which have been returned to him as being occupied under the provisions of the one hundred and fourteenth section of this Act, except the lands, the arrears for which had been placed on the collection Roll of the preceeding year and again returned unpaid and still in arrears in consequence of insufficient distress being found on the lands.

County Treasurer to prepare list of lands to be sold and advertise in "Gazette."

132. The County Treasurer shall prepare a copy of the list of lands to be sold, required by section one hundred and twenty-nine of this Act, and shall include therein, in a separate column, a statement of the proportion of costs chargeable on each lot for advertising, and for the commissions authorized by this Act to be paid to him, distinguishing lands as patented, unpatented, or under lease or license of occupation from the Crown, and shall cause such list to be published four weeks in the *Gazette*, and once a week, for thirteen weeks, in some newspaper published within the County, and in the case of a union of Counties in each County of the union, if there be one published in each County, and if not in such County or Counties of the union in which a newspaper is published, or if none be so published, in some other newspaper published in some adjoining County.

1. Where a junior County has separated, or shall hereafter separate, from a union of Counties after a return is made to the

Treasurer of the united Counties of lands in arrear for taxes, but such lands have not been advertised for sale by the Treasurer of the united Counties, or senior County, such Treasurer shall return to the Treasurer of the junior County a list of all the lands within the junior County, returned as in arrears for taxes, and not advertised, and the Treasurer and Warden of the junior County shall have power respectively to take all the proceedings which Treasurers and Wardens, under this Act, can take for the sale and conveyance of lands in arrear for taxes. But in case the lands in such junior County have been advertised by the Treasurer of the united Counties before such separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place.

133. The advertisement shall contain a notification, that unless the arrears and costs are sooner paid, he will proceed to sell the lands for the taxes, on a day and at a place named in the advertisement. Notice to be given in such advertisement.

134. The day of sale shall be more than ninety-one days after the first publication of the list. Time of sale.

135. The Treasurer shall also post a notice similar to the said advertisement, in some convenient and public place at the Court-House of the county, at least three weeks before the time of sale. Notice to be posted up.

136. The Treasurer shall in each case add to the arrears published, his commission and the cost of publication. Expenses to be added to the arrears.

137. If at any time appointed for the sale of the lands, no bidders appear, the Treasurer may adjourn the sale from time to time. Adjourning sale, if no bidders.

138. If the taxes have not been previously collected, or if no person appears to pay the same at the time and place appointed for the sale, the Treasurer shall sell by public auction so much of the land as may be sufficient to discharge the taxes and all lawful charges incurred in and about the sale and the collection of the taxes; selling in preference such part as he may consider best for the owner to sell first. In offering such lands for sale it shall not be necessary to describe particularly the portion of the lot which shall be sold, but it shall be sufficient to say that he will sell so much of the lot as shall be necessary to secure the payment of the taxes due; the amount of taxes stated in the Treasurer's advertisement shall in all cases be held to be the correct amount due; Mode in which the lands shall be sold by the Treasurer.

1. If the Treasurer fails at such sale to sell any land for the full amount of arrears of taxes due, he shall, at such sale adjourn the same until a day then to be publicly named by him, not earlier than one week nor later than one month thereafter, of which adjourned sale he shall give notice by public advertisement in the local newspaper or in one of the local papers in which the original sale was advertised, and on such day he shall sell such lands unless otherwise directed by the local municipality in which they are situate for any sum he can realize, and shall accept such sum as full payment of such arrears of taxes; but the owner of any land so sold shall not be at liberty to redeem the same except upon payment to the County Treasurer of the full amount of taxes due, together with the expenses of sale; and the Treasurer shall account to the local Municipality for the full amount of taxes that shall be paid. If the land does not sell for full amount of taxes.

If the Treasurer sells any land the fee of which is in the Crown, he shall only sell the interest of lessee or locatee.

139. If the Treasurer sells any interest in land of which the fee is in the Crown, he shall only sell the interest therein of the lessee, licensee or locatee, and it shall be so distinctly expressed in the conveyance to be made by the Treasurer and Warden and such conveyance shall give the purchaser the same rights in respect of the land as the original lessee, licensee or locatee enjoyed, and shall be valid, without requiring the assent of the Commissioner of Crown Lands.

If purchaser fails to pay purchase money.

140. If the purchaser of any parcel of land fails immediately to pay to the Treasurer the amount of the purchase money, the Treasurer shall forthwith again put up the property for sale.

Treasurer selling to give purchaser a certificate of land sold.

141. The Treasurer, after selling any land for taxes, shall give a certificate under his hand to the purchaser, stating distinctly what part of the land, and what interest therein, have been so sold, or stating that the whole lot or estate has been so sold, and describing the same, and also stating the quantity of land, the sum for which it has been sold, and the expenses of sale, and further, stating that a Deed conveying the same to the purchaser or his assigns, according to the nature of the estate or interest sold, with reference to the one hundred and thirty-eighth and one hundred and thirty-ninth sections of this Act, will be executed by the Treasurer and Warden on his or their demand, at any time after the expiration of one year from the date of the certificate, if the land be not previously redeemed.

Purchaser of lands sold for taxes to be deemed owner thereof, for certain purposes, on receipt of Treasurer's certificate.

142. The purchaser shall, on the receipt of the Treasurer's certificate of sale, become the owner of the land, so far as to have all necessary rights of action and powers for protecting the same from spoliation or waste, until the expiration of the term during which the land may be redeemed; but he shall not, knowingly, permit any person to cut timber growing upon the land or otherwise injure the land, nor shall he do so himself, but he may use the land without deteriorating its value; Provided that the purchaser shall not be liable for damage done without his knowledge, to the property, during the time the certificate is in force.

Effect of tender of arrears, &c.

143. From the time of a tender to the Treasurer of the full amount of redemption money required by this Act, the said purchaser shall cease to have any further right in or to the land in question.

Treasurer's commission.

144. Every Treasurer shall be entitled to two and one-half per cent. commission upon the sums collected by him as aforesaid.

Fees, &c., on sales of land.

145. Whenever land is sold by a Treasurer, according to the provisions of the one hundred and thirty-second and following sections of this Act, he may add the commission and costs which he is hereby authorized to charge for the services above mentioned, to the amount of arrears on those lands in respect of which such services have been severally performed, and in every case he shall give a statement in detail with each certificate of sale, of the arrears and costs incurred.

Expenses of search in Registrar's

146. The Treasurer shall, in all Certificates and Deeds given for land sold at such sale, give a description of the part sold with

sufficient certainty, and if less than a whole lot, then by such a general description as may enable a Surveyor to lay off the piece sold on the ground; he may make search, if necessary, in the Registry Office, to ascertain the description and boundaries of the whole parcel, and he may also obtain a Surveyor's description of such lots, to be taken from the Registry Office or the Government maps, where a full description cannot otherwise be obtained; such Surveyor's fee not to exceed one dollar. The charges so incurred shall be included in the account and paid by the purchaser of the land sold, only the party redeeming the same.

office for description, &c.

147. Except as before provided, the Treasurer shall not be entitled to any other fees or emoluments whatever for any services rendered by him relating to the collection of arrears of taxes on lands.

Treasurer entitled to no other fees.

148. The owner of any land which may hereafter be sold for non-payment of arrears of taxes, or his heirs, executors, administrators or assigns or any other person may at any time within one year from the day of sale, exclusive of that day, redeem the estate sold by paying or tendering to the County Treasurer, for the use and benefit of the purchaser or his legal representatives, the sum paid by him, together with ten per cent. thereon, and the Treasurer shall give to the party paying such redemption money, a receipt, stating the sum paid and the object of payment, and such receipt shall be evidence of the redemption.

Owners may within one year redeem estate sold by paying purchase money and 10 per cent. thereon.

149. If the land be not redeemed within the period so allowed for its redemption, being one year exclusive of the day of sale as aforesaid, then, on the demand of the purchaser, or his assigns, or other legal representative, at any time afterwards, and on payment of one dollar, the Treasurer shall prepare and execute with the Warden, and deliver to him or them, a Deed in duplicate of the land sold, *in which deed any number of lots may be included at the request of the purchaser, or any assignee of the purchaser.*

Deed of sale, if not redeemed.

150. Such deed shall be in the form or to the same effect as in Schedule B, and shall state the date and cause of the sale, and the price, and shall describe the land according to the provisions of section one hundred and forty-six of this Act, and shall have the effect of vesting the land in the purchaser or his heirs and assigns or other legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, and no such Deed shall be invalid for any error or miscalculation in the amount of taxes or interest thereon in arrear, or any error in describing the land as "patented" or "unpatented" or held under a license of occupation.

Contents of deed, and effect thereof. Form B.

151. The Registrar or Deputy Registrar of the County in which the lands are situated, upon production of the Duplicate Deed, shall enter the *same* in the Registry Book, and give a certificate of such entry and registration in accordance with the Act respecting Registrars and Registry Offices.

Registration of Deed.

152. As respects land sold for taxes before the first day of January one thousand eight hundred and fifty-one, on the receipt by the Registrar of the proper county or place, of a certificate of the sale to the purchaser under the hand and seal of office of the Sheriff, stating the name of the purchaser, the sum paid,

On what certificate Registrars of Counties to register Sheriff's deeds of lands sold for taxes before 185

the number of acres and the estate or interest sold, the lot or tract of which the same forms part, and the date of the Sheriff's conveyance to the purchaser, his heirs, executors, administrators or assigns, and on production of the conveyance from the Sheriff to the purchaser, his heirs, executors, administrators or assigns, such Registrar shall register any Sheriff's Deed of land sold for taxes before the first day of January, one thousand eight hundred and fifty-one, and the mode of such Registry shall be the entering on record a transcript of such Deed of conveyance.

the Sheriff to
give certificate
of execution of
conveyances
since 1st Jan-
uary, 1851, for
registration.

153. As respects land sold for taxes since the first day of January, one thousand eight hundred and fifty-one, and prior to the first of January, one thousand eight hundred and sixty-six, the Sheriff shall also give the purchaser or his assigns, or other legal representatives, a certificate under his hand and seal of office of the execution of the Deed, containing the particulars in the last section mentioned; and such certificate for the purpose of registration in the Registry Office of the proper county of any deed of lands sold for taxes since the first of January, one thousand eight hundred and fifty-one, shall be deemed a memorial thereof, and the Deed shall be registered, and a certificate of the registry thereof, shall be granted by the Registrar on production to him of the Deed and certificate, without further proof; and the Registrar shall, for the registry and certificate thereof, be entitled to seventy cents and no more.

Treasurer to
enter in a
book descrip-
tions of lands
conveyed to
purchaser by
him. |

154. The Treasurer shall enter in a book, which the County Council shall furnish, a full description of every parcel of land conveyed by him to purchasers for arrears of taxes, with an index thereto, and such book, after such entries have been made therein, shall, together with all copies of Collectors' Rolls and other documents relating to non-resident lands, be by him kept amongst the records of the county.

Deed valid
against all
parties, if not
questioned
within a cer-
tain time.

155. Whenever lands shall have been or may be hereafter sold for arrears of taxes, and the Sheriff or Treasurer, as the case may be, shall have given a deed for the same, such deed shall be to all intents and purposes valid and binding, except as against the Crown, if the same has not been questioned before some Court of competent jurisdiction by some person interested in the land so sold, within *two* years after the passing of this Act, when the land was sold and a deed given by the Sheriff or Treasurer before the passing of this Act, or within *two* years from the *time of sale, when* such sale shall take place after the passing of this Act.

Non-resident
Land Fund
established in
each County,
and of what it
shall consist.

156. The Council may by By-law direct that all the moneys received by the County Treasurer on account of taxes on non-resident lands, shall be paid at stated periods to the several local Municipalities to which such taxes were due, or shall constitute a distinct and separate fund, to be called the "Non-resident Land Fund" of such county.

Treasurer to
open an ac-
count for.

157. The Treasurer shall, when such fund may have been created, open an account for each local Municipality with the said fund.

Municipalities
united and

158. If two or more local Municipalities, having been united for municipal purposes, be afterwards disunited, or if a Muni-

pality or part of a Municipality be afterwards added to or detached from any county, or to or from any other Municipality, the Treasurer shall make corresponding alterations in his books, so that arrears due on account of any parcel or lot of land at the date of the alteration, shall be placed to the credit of the Municipality within which the land after such alteration, is situate; and if a union of counties is about to be dissolved, all the taxes on non-residents' land imposed by by-laws of the Provisional Council of the junior county, shall be returned to and collected by the Treasurer of the united counties, and not by the Provisional Treasurer, and the Treasurer of the united counties shall open an account forthwith for the junior county with the Non-Resident Land Fund.

afterwards
disunited, &c.

If any union
about to be
dissolved.

159. In cases where a new Municipality shall be formed partly from two or more Municipalities situate in different counties the collection of non-resident taxes due at the time of formation, shall remain in the hands of the Treasurer of the respective counties, formerly having jurisdiction over the respective portions of territory forming the new Municipality, and the respective Treasurers shall keep a separate account of such moneys, and pay the same to the new Municipality; and where a new Municipality shall be formed from two or more Municipalities situate in any one county, the Treasurer shall, in like manner, keep a separate account for such new Municipality.

New municipi-
palities partly
in one county
and partly in
another.

160. The Treasurer of the county shall not be required to keep a separate account of the several distinct rates which may be charged on lands, but all arrears, from whatever rates arising, shall be taken together and form one charge on the land.

All arrears to
form one
charge upon
the lands
subject to
them, &c.

161. Every local Municipal Council in paying over any school or local rate, or its share of any county rate, or of any other tax or rate lawfully imposed for Provincial or Local purposes, shall supply, out of the funds of the Municipality, any deficiency arising from the non-payment of the taxes, but shall not be held answerable for any deficiency arising from the abatements of, or inability to collect the tax on personal property.

Deficiencies
in certain
taxes to be
supplied by
the Municipi-
pality.

162. All sums which may at any time be paid to a Municipality out of the Non-Resident Land Fund of the county, shall form part of the general funds of such Municipality.

Money from
Land Fund
how appro-
priated.

163. The Council of the county may from time to time, by by-law, authorize the Warden to issue, under the Corporate Seal, upon the credit of the Non-resident Land Fund, Debentures payable not later than eight years after the date thereof, and for sums not less than one hundred dollars each, so that the whole of the Debentures at any time issued and unpaid do not exceed two thirds of all arrears then due and accruing upon the lands in the county, together with such other sums as may be in the Treasurer's hands, or otherwise invested to the credit of the said fund. All Debentures issued by the county shall be in the exclusive custody of the Treasurer, who shall be responsible for their safety until their proceeds are deposited with him.

Debentures
may be issued
on the credit
of non-resi-
dent Land
Fund.

Who to have
charge of
them.

164. Such Debentures shall be negotiated by the Warden and Treasurer of the county, and the proceeds shall be paid into the said fund, and the interest on the said Debentures, and the

By whom to
be negotiated.

Proviso. principal when due, shall be payable out of such fund; Provided always that the purchaser shall not be bound to see to the application of the purchase money, or be held responsible for the non-application thereof.

Payment of interest on such debentures provided for. **165.** If at any time there be not, in the Non-resident Land Fund, where such fund may have been created, money sufficient to pay the interest upon a Debenture or to redeem the same when due, such interest or Debenture shall be payable out of the general county funds, and the payment thereof may be enforced in the same manner as is by law provided in the case of other county Debentures.

Surplus of the Non-resident Land Fund to be divided among Municipalities. **166.** The Council of the county may, from time to time, pass by-laws apportioning the surplus moneys in the Non-resident Land Fund amongst the Municipalities rateably, according to the moneys received and arrears due on account of the non-resident lands in each Municipality; but such apportionment shall always be so limited that the Debentures unpaid shall never exceed two-thirds of the whole amount to the credit of the fund.

Treasurer's per centage or salary how paid. **167.** The Treasurer shall not be entitled to receive from the person paying taxes any percentage thereon, but may receive from the fund such percentage upon all moneys in his hands, or such fixed salary in lieu thereof, as the County Council by by-law may direct.

Annual statement of the said fund to be submitted to the County Council. **168.** The County Treasurer shall prepare and submit to the County Council, at its first session in January in each year, a report, certified by the Auditors, of the state of the Non-resident Land Fund.

What it shall show. **169.** The said report shall contain an account of all the moneys received and expended during the year ending on the thirty-first of December next preceding, distinguishing the sums received on account of, and paid to, the several Municipalities, and received and paid on account of Interest or Debentures negotiated or redeemed, and the sums invested and the balance in hand; a list of all Debentures then unpaid, with the dates at which they will become due; and a statement of all the arrears then due (distinguishing those due in every Municipality), and the amount due on lands then advertised for sale, or which by law may be advertised during the ensuing year.

Copy to be transmitted to Provincial Secretary. **170.** The Warden shall cause a copy of the report to be transmitted to the Provincial Secretary for the information of the *Lieutenant Governor*.

Collection of taxes on lands of Non-residents in cities provided for. **171.** Arrears of taxes due to cities or towns shall be collected and managed in the same way as like arrears due to other Municipalities; and the Chamberlain or Treasurer, and Mayor, shall for these purposes, perform—in the case of Cities and Towns, the like duties as are hereinbefore, in the case of other Municipalities, imposed on the Treasurer and Warden.

County Treasurers, &c., to keep triplicate blank receipt books. Use thereof. **172.** The Treasurer of every County, and the Treasurer or Chamberlain of every City and every Town, shall be required to keep a triplicate Blank Receipt Book, and, on receipt of any sum of money for taxes on land, shall deliver to the party making

payment, one of such receipts, and shall deliver to the County, City or Town Clerk, the second of the set, with the corresponding number, retaining the third of the set in the book; delivery of such receipts to be made to the Clerk at least every three months. The County, City or Town Clerk shall file such receipts, and, in a book to be kept for that purpose, shall enter the name of the party making payment, the lot on which payment is made, the amount paid, the date of payment, and the number of the receipt. The Auditors shall examine and audit such books and accounts at least once in every three months.

Audit of books, &c.

RESPONSIBILITY OF OFFICERS.

173. Every Treasurer, Chamberlain and Collector, before entering on the duties of his office, shall enter into a bond to the Corporation of the Municipality for the faithful performance of his duties.

Treasurers and Collectors to give security, and how.

174. Such Bond shall be given by the officer and two or more sufficient sureties, in such sum and such manner as the Council of the Municipality by any by-law shall require in that behalf, and shall conform to all the provisions of such by-law.

Bond with sureties.

175. If any Treasurer, Assessor, Clerk or other officer refuses or neglects to perform any duty required of him by this Act, he shall, upon conviction thereof before any Court of competent jurisdiction in the County in which he is Treasurer, Assessor, Clerk or other officer, forfeit to Her Majesty such sum as the Court shall order and adjudge, not exceeding one hundred dollars.

Penalty on Assessors or Clerks failing to perform their duty, and how enforced.

176. If an Assessor neglects or omits to perform his duties the other Assessor, or other Assessors (if there be more than one for the same locality), or one of such Assessors, shall, until a new appointment, perform the duties, and shall certify upon his or their Assessment Roll the name of the delinquent Assessor, and also, if he or they know it, the cause of the delinquency; and any Council may, after an Assessor neglects or omits to perform his duties, appoint some other person to discharge such duties; and the Assessor so appointed shall have all the powers and be entitled to all the emoluments which appertain to the office.

Other Assessors may act for those in default.

177. If any Clerk, Treasurer, Assessor or Collector, acting under this Act, makes any unjust or fraudulent assessment or collection, or copy of any Assessor's or Collector's Roll, or wilfully and fraudulently inserts therein the name of any person who should not be entered, or fraudulently omits the name of any person who should be entered, or wilfully omits any duty required of him by this Act, he shall upon conviction thereof, before a Court of competent jurisdiction be liable to a fine not exceeding two hundred dollars, and to imprisonment until the fine be paid, or to imprisonment in the Common Gaol of the County or City, for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the Court.

Punishment of Clerks, Assessors, &c., making fraudulent assessments, &c.

178. Proof to the satisfaction of the jury, that any real property was assessed by the Assessor at an actual value greater or less than its true actual value, by thirty per centum thereof, shall be *prima facie* evidence that the assessment was unjust or fraudulent.

What shall be evidence of fraudulent assessment.

- Assessor liable to the greatest punishment.** **179.** An Assessor convicted of having made any unjust or fraudulent assessment, shall be sentenced to the greatest punishment, both to fine and imprisonment, allowed by this Act.
- Penalty for not making and completing Assessment Rolls by the proper time.** **180.** With reference to the Upper Canada Jurors' Act, if an Assessor of any Township, Village or Ward, neglects or omits to make out and complete his Assessment Roll for the Township, Village or Ward, and to return the same to the Clerk of such Township or Village, or of the City or Town in which such Ward is situated, or to the proper Officer or place of deposit of such Roll, on or before the first day of September of the year for which he is Assessor, every such Assessor so offending shall forfeit for every such offence the sum of two hundred dollars, one moiety thereof to the use of the Municipality, and the other moiety, with costs, to such person as may sue for the same in any Court of competent jurisdiction by action of debt or information; but nothing herein contained shall be construed to relieve any Assessor from the obligation of returning his Assessment Roll, at the period required elsewhere by this Act, and from the penalties incurred by him by not returning the same accordingly.
- Not to impair any other liability.**
- Proceedings for compelling Collectors to pay over moneys collected to the proper Treasurer.** **181.** If a Collector refuses or neglects to pay to the proper Treasurer or Chamberlain, or other person legally authorized to receive the same, the sums contained in his Roll, or duly to account for the same as uncollected, the Treasurer or Chamberlain shall, within twenty days after the time when the payment ought to have been made, issue a warrant under his hand and seal, directed to the Sheriff of the County or City (as the case may be) commanding him to levy of the goods, chattels, lands and tenements of the Collector and his Sureties, such sum as remains unpaid and unaccounted for, with costs, and to pay to the Treasurer or Chamberlain the sum so unaccounted for, and to return the warrant within forty days after the date thereof.
- Warrant.**
- Warrant to be delivered to Sheriff, &c.** **182.** The said Treasurer or Chamberlain shall immediately deliver the said warrant to the Sheriff of the County or City, as the case may require.
- Sheriff, &c., to execute it; and pay money levied.** **183.** The Sheriff to whom the Warrant is directed shall within forty days, cause the same to be executed and make return thereof to the Treasurer or Chamberlain, and shall pay to him the money levied by virtue thereof, deducting for his fees the same compensation as upon writs of execution issued out of Courts of Record.
- Mode of compelling Sheriff, &c., to pay over.** **184.** If a Sheriff refuses or neglects to levy any money when so commanded, or to pay over the same, or makes a false return to the warrant, or neglects or refuses to make any return, or makes an insufficient return, the Treasurer or Chamberlain may, upon affidavit of the facts, apply in a summary manner, to either of the Superior Courts of Common Law in term time, or to any Judge of either Court in vacation, for a Rule or Summons calling on the Sheriff to answer the matter of the affidavit.
- Rule of Court.**
- When returnable.** **185.** The said Rule or Summons shall be returnable at such time as the Court or Judge directs.
- Hearing on return.** **186.** Upon the return of such Rule or Summons, the Court or a Judge may proceed in a summary manner upon affidavit,

and without formal pleading, to hear and determine the matters of the application.

187. If the Court or Judge be of opinion that the Sheriff has been guilty of the dereliction alleged against him, such Court or Judge shall order the proper officer of the Court to issue a writ of *Fieri Facias*, adapted to the case, directed to a Coroner of the County in which the Municipality is situate, or to a Coroner of the City or Town (as the case may be) for which the Collector is in default.

Fi: Fa: to the Coroner to levy the money.

188. Such writ shall direct the Coroner to levy of the goods and chattels of the Sheriff the sum which the Sheriff was ordered to levy by the warrant of the Treasurer or Chamberlain, together with the costs of the application and of such writ and of its execution; and the writ shall bear date on the day of its issue, whether in term or vacation, and shall be returnable forthwith upon its being executed, and the Coroner, upon executing the same, shall be entitled to the same fees as upon a writ grounded upon a judgment of the Court.

Tenor of such writ.

Execution of writ.

Fees.

189. If a Sheriff wilfully omits to perform any duty required of him by this Act, and no other penalty is hereby imposed for the omission, he shall be liable to a penalty of two hundred dollars,—to be recovered from him in any court of competent jurisdiction at the suit of the Treasurer of the County or Town or Chamberlain of the City.

Penalty on Sheriff, if no other imposed.

190. All money assessed, levied and collected for the purpose of being paid to the Receiver General of the Province of Canada or to the Treasurer of the Province, or to any other public officer, for the public uses of the Province, or for any special purpose or use mentioned in the Act under which the same is raised, shall be assessed, levied and collected by, and accounted for and paid over to the same persons and in the same manner and at the same time as taxes imposed on the same property for County or City purposes, and shall, in law and equity be deemed and taken to be moneys collected for the County, Town or City, so far as to charge every Collector, Chamberlain or Treasurer with the same, and to render him and his sureties responsible therefor, and for every default or neglect in regard to the same, in like manner as in the case of moneys assessed, levied and collected for the use of the City, Town or County.

Payment of money collected for the Province.

191. All moneys collected for county purposes, or for any of the purposes mentioned in the preceding section, shall be payable by the Collector to the Township, Town or Village Treasurer, and by him to the County Treasurer, and the Corporation of the Township, Town or Village shall be responsible therefor to the Corporation of the County.

How money collected for county purposes shall be paid over.

192. Any bond and security given by the Collector or Treasurer to the Corporation of the Township, Town or Village, that he will account for and pay over all moneys collected or received by him, shall apply to all moneys collected or received for county purposes, or for any of the purposes mentioned in the one hundred and ninety-first section.

Collectors or Treasurers bound to account for all moneys collected by them.

193. The Treasurer of every Township, Town or Village shall, Local Treas-

surer to pay
over County
moneys to
County Treasurers.

within fourteen days after the time appointed for the final settlement of the Collector's Rolls, pay over to the Treasurer of the County all moneys which were assessed and by law required to be levied and collected in the Municipality for county purposes, or for any of the purposes mentioned in the one hundred and ninety-first section of this Act.

Mode of enforcing such payment.

194. If default be made in such payment, the County Treasurer may retain or stop a like amount out of any moneys which would otherwise be payable by him to the Municipality, or may recover the same by a suit or action for debt against such Municipality, or whenever the same has been in arrear for the space of three months, he may, by warrant under his hand and seal, reciting the facts, direct the Sheriff of the County to levy and collect the amount so due with interest and costs from the Municipality in default.

Warrant to Sheriff.

How the Sheriff shall levy.

195. The Sheriff upon receipt of the warrant, shall levy and collect the amount, with his own fees and costs as if the warrant had been a Writ of Execution issued by a Court of Law, and he shall levy the amount of costs and fees in the same manner as is provided by the "Act respecting the Municipal Institutions of Upper Canada," in cases of Writs of Execution.

County Treasurer, &c., to account for and pay over Crown moneys.

196. The County Treasurer and City Chamberlain, respectively, shall be accountable and responsible to the Crown for all moneys collected for any of the purposes mentioned in the one hundred and ninety-first section of this Act, and shall pay over such moneys to the *Treasurer of the Province*.

Municipality responsible for such moneys.

197. Every County, City and Town shall be responsible to Her Majesty, and to all other parties interested, that all moneys coming into the hands of the Treasurer or Chamberlain of the County, City or Town, in virtue of his office, shall be by him duly paid over and accounted for according to law.

Treasurer, &c., responsible to County, &c.

198. The Treasurer or Chamberlain and his sureties shall be responsible and accountable for such moneys in like manner to the County, City, or Town, and any Bond or security given by them for the duly accounting for and paying over moneys coming into his hands, belonging to the County, City or Town, shall be taken to apply to all such moneys as are mentioned in the one hundred and ninetieth section, and may be enforced against the Treasurer or Chamberlain, or his sureties, in case of default on his part.

Bonds to apply.

Bonds to apply to School moneys, &c.

199. The Bond of the Treasurer or Chamberlain and his sureties shall apply to School Moneys, and all public Moneys of the Province, and in case of any default, Her Majesty may enforce the responsibility of the County, City or Town, by stopping a like amount out of any Public Moneys, which would otherwise be payable to the County, City or Town, or to the Treasurer or Chamberlain thereof, or by suit or action against the corporation.

City, &c., responsible for default of Chamberlain, &c.

200. Any person aggrieved by the default of the Chamberlain or Treasurer, may recover from the Corporation of the City, County or Town, the amount due or payable to such person, as money had and received to his use.

MISCELLANEOUS.

201. If any person wilfully tears down, injures or defaces any advertisement, notice or other document, which is required by this Act to be posted up in a public place for the information of persons interested, he shall, on conviction thereof in a summary way before any Justice of the Peace having jurisdiction in the County, City or Town, be liable to a fine of twenty dollars, and in default of payment or for want of sufficient distress, to imprisonment not exceeding twenty days. Penalty for tearing down notices, &c.

202. The fines and forfeitures authorized to be summarily imposed by this Act, shall, when not otherwise provided, be levied and collected by distress and sale of the offender's goods and chattels, under authority of a Warrant of Distress to be issued by a Justice of the Peace of the County, City or Town, and in default of sufficient distress, the offender shall be committed to the Common Gaol of the County, and be there kept to hard labour for a period not exceeding one month. Recovery of fines, and forfeitures hereby imposed.

203. When not otherwise provided, all penalties recovered under this Act, shall be paid to the Treasurer or Chamberlain, to the use of the Municipality. Application

REPEALING CLAUSE.

204. The Assessment Act of *Upper Canada* hereby repealed, and all other Acts inconsistent with this Act are hereby repealed, saving any rights, proceedings, or things legally had, acquired or done under such Acts or any of them, and all things begun but not completed thereunder may be continued to completion as validly and with the same effect as if this Act had not been passed, and all bonds and covenants made to any Municipal Corporation shall be as valid and binding as if made or given under this Act. Chap. 55 Con. Stat. U.C., and Acts amending it repealed.

SCHEDULE A.

Form of notice by non-resident owner of land requiring to be assessed therefor:—

To the Clerk of the Municipality of

Take notice that I (*or we*) own the land hereunder mentioned, and require to be assessed, and have my name (*or our names*) entered on the Assessment Roll of the Municipality of (*or ward of the Municipality of*) therefor.

That my (*or our*) full name (*or names*), place of residence, and post office address, are as follows:—

A. B., of the Township of York, shoemaker, Weston Post Office (*as the case may be*). Description of land (*here give such description as will readily lead to identification of the land*).

Dated the day of 18

C D.

Witness, G H.

SCHEDULE B.

TOWNSHIP OF

NAMES AND DESCRIPTION OF PERSONS ASSESSED.						DESCRIPTION AND VALUE OF REAL PROPERTY.								PERSONAL PROPERTY AND INCOME.				AGGREGATE VALUE OF ALL PROPERTY.		STATUTE LABOR.		DOGS.		STATISTICS.					DATE OF DELIVERY OF NOTICE, UNDER SECTION 48.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25						
No. on Roll	Name of occupant or other taxable party.	Occupation.	Freeholder, Householder or Tenant.	Age of occupant.	Name and address of owner when person named in column 2 is not the owner.	Non-resident.	School Section.	Concession, street, square or other designation.	No. of Lot, House, &c.	No. of acres, feet, &c.	No. of acres cleared in Townships, vacant or built, or in Cities, Towns and Villages.	Value of each parcel of Real Property.	Total Value of Real Property.	Value of Personal Property other than income.	Taxable income.	Total Value of Personal Property and Taxable Income.	Persons from 21 to 60 years old.	No. of days labor.	Dogs.	Bitches.	No. of persons in family of person rated as resident.	Religion.	No. of Cattle.	No. of Sheep.	No. of Hogs.	No. of Horses.				

Take Notice that you are assessed as above specified, for the year 186 , under the Statutes. If you deem yourself overcharged, or otherwise improperly assessed, you or your agent may notify the Clerk of the Municipality, in writing, of such overcharge or improper assessment, within fourteen days after this Notice has been left with you, and your complaint shall be tried in conformity with the provisions of the Statutes, by the Court of Revision for the Municipality of

(ENDORSED.)

SIR,

Take Notice that I intend to Appeal against this Assessment, for the following reasons:—

I am, Sir, your obedient servant,

SCHEDULE C.

To all to whom these Presents shall come.

We, _____ of the _____ of _____ Esquire,
Warden and _____ of the _____ of _____
Treasurer of the County of _____ send greeting :—

WHEREAS by virtue of a warrant under the hand of the Warden and seal of the said County, bearing date the _____ day _____ in the the year of our Lord one thousand eight hundred and _____ commanding the Treasurer of the said County to levy upon the land hereinafter mentioned, for the arrears of taxes due thereon with his costs, the Treasurer of the said County did on the _____ day of _____ in the year of our Lord one thousand eight hundred and _____ sell by public auction to _____ of the _____ of _____ in the County of _____ that certain parcel or tract of land and premises hereinafter mentioned at and for the price or sum of _____ of lawful money of Canada, on account of the arrears of taxes alleged to be due thereon up to the _____ day of _____ in the year our Lord one thousand eight hundred and _____ together with costs : _____

Now know ye that we, the said _____ and _____ as Warden and Treasurer of the said County in pursuance of such sale, and the Assessment Act of 1869, and for the consideration aforesaid, do hereby grant, bargain and sell unto the said _____ his heirs and assigns, all that certain parcel or tract of land and premises containing _____ being composed of _____ (*describe the land so that the same may be readily identified.*)

In witness whereof we, the said Warden and Treasurer of the said County, have hereunto set our hands and affixed the seal of the said County, this _____ day of _____ in the year of our Lord one thousand eight hundred and _____ and the Clerk of the County Council hath countersigned.

A. B., Warden, [Corporate Seal.]
C. D. Treasurer.

Countersigned,
E. F., Clerk.

SCHEDULE D.

Form of declaration by party complaining in person of over-charge on personal property :

I, A. B., (*set out name in full with place of residence, business, trade, profession or calling*), do solemnly declare that the true value of all the personal property assessable against me, (*or as the case may be, as trustee, guardian or executor, &c.,*) without deducting any debts due by me in respect thereof is

(*in case debts are owed in respect of such property*), that I am indebted on account of such personal property, in the sum of _____ and that the true amount for

which I am liable to be rated and assessed in respect of personal property other than income is

SCHEDULE E.

Form of declaration of party complaining in person of overcharge on account of taxable income:

I, A. B., (set out name in full with place of residence, business, trade, profession or calling), do solemnly declare that my gross income, derived from all sources, not exempt by law from taxation, is

SCHEDULE F.

Form of declaration by party complaining of overcharge in respect of personal property and taxable income:

I, A. B., (set name in full with place of residence, business, trade, profession or calling), do solemnly declare that the true value of my personal property other than income, is
(if there are debts add), that I am indebted on account of such personal property in the sum of
that my gross income derived from all sources, not exempt by law from taxation, is and that the full amount for which I am by law justly assessable, in respect of both personal property and income, is

SCHEDULE G.

Form of declaration by agent of a party complaining of overcharge on personal property:—

I, A B (set out name in full, with place of residence, business, trade, profession, or calling), agent for C D (set out name in full, with place of residence, and calling of person assessed), do solemnly declare that the true value of all the personal property assessable against the said C D (or as the case may be, as trustee, guardian or executor, &c.) is
(In case there are debts in respect of the property add)—the said C D is indebted on account of such personal property in the sum of and that the true amount for which the said C D is liable to be rated and assessed in respect of personal property, other than income is
and that I have the means of knowing, and do know, the extent and value of the said C D's, personal property, and debts in respect thereof.

A B.

SCHEDULE H.

Form of declaration by agent of party complaining of overcharge in taxable income:—

I, A B (*set out name in full, with place of residence, business, trade, profession, or calling*), agent for C D (*set out name in full, with place of residence, and calling of person assessed*), do solemnly declare that the gross income of the said C D, derived from all sources not exempt from taxation by law, is
that I have the means
of knowing, and do know, the income of the said C D.

SCHEDULE I.

Form of declaration by agent of party complaining of an overcharge in respect of personal property and taxable income:—

I, A B (*set out name in full, with place of residence, business, trade, profession, or calling*), agent for C D (*set out name in full, with place of residence, and calling of person assessed*), do solemnly declare that the true value of the personal property of the said C D, other than income, is
that the gross income of the said
C D, derived from all sources not exempt by law from taxation,
is _____ and that the full amount
for which the said C D is justly assessable, in respect of both personal property and income, is

(*If there are debts on account of the property add*)—
the said C D is indebted on account of such personal property in the sum of _____ and that I have
the means of knowing, and do know, the truth of the matters hereinbefore declared.

BILL.

An Act to amend and consolidate the law
respecting the Assessment of Property in
the Province of Ontario.

First Reading, Jan. 13, 1869.

Second Reading, Jan. 20, 1869.

Hon. Mr. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

No. 140.]

BILL.

[1868.

An Act to make further provisions relating to the Territorial District of Muskoka.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Preamble.

1. The Lieutenant-Governor in Council may divide the District of Muskoka into two or more Divisions, and appoint and from time to time, alter the number, limits and extent of every such Division, and may number the same consecutively, commencing at number one.

District to be divided into three divisions for Division Court purposes.

2. A Court shall be held in every such Division, once in every three months, or oftener at the discretion of the Stipendiary Magistrate, who may appoint, and, from time to time, alter the times and places within such Divisions when and at which, such Courts shall be holden.

Court to be held in each.

3. Section number eight of the Statute passed in the last Session of the Legislature of this Province, chapter thirty-five, entitled, "*An Act to provide for the organisation of the Territorial District of Muskoka*," is hereby repealed, and the following clause substituted therefor :—

Sec. 8, Cap. 32, Stat. Ont. 32 Vict., repealed.

4. "In all cases arising in the said District, in which, according to the general laws of this Province, an appeal lies from the decision of any one or more Justices of the Peace, to the Quarter or General Sessions of the Peace, such appeal shall lie to and may be brought before and heard and determined by the Court of General Sessions of the Peace for the County of Simcoe, and shall be claimed and allowed and prosecuted in the same manner, and within the same period, as if the same had arisen, within the limits of the said County of Simcoe; Provided that no appeal shall lie from any judgment or decision of the Stipendiary Magistrate of the said District."

New clause substituted.

4. In further amendment of the said Act of the last Session of the Legislature of this Province, chapter thirty-five, and of clause number nine of the chapter one hundred and twenty-eight of the Consolidated Statutes for Upper Canada, so far as the said last mentioned clause is, by the said first mentioned Act, made applicable to the said District of Muskoka, the words "the Common Gaol of the County of Simcoe" are substituted for, and to be read instead of the words "the Common Gaol of the proper County," in the said clause number nine.

Sec. 9, Cap. 123, Con. Stat. U. C. amended.

5. And all returns of convictions required by law to be made by any Justice or Justices of the Peace for the said District of Muskoka, shall be made to the Clerk of the Peace for the County of Simcoe.

New form of
oath.

6. The oath to be taken by the Stipendiary Magistrate of the said District of Muskoka, in addition to his oath of office as a Justice of the Peace, shall be as follows :—

"I do swear, that I will truly and faithfully execute the several powers, duties and trusts committed to, or required of me, by the Act to provide for the organization of the Territorial District of Muskoka, without fear, without favour, and without malice. So help me God."

Certain pro-
visions of Cap.
19, Con. Stat.
of U. C.
adopted.

7. The provisions of the sections one hundred and seventy-five, one hundred and seventy-six, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty; of sections one hundred and sixty and the sections following, to section one hundred and seventy-three inclusive, and of section one hundred and thirty-nine of the chapter nineteen of the Consolidated Statutes for Upper Canada, entitled "An Act respecting Division Courts," together with the provisions of an Act of this present Session of the Legislature, entitled "An Act to amend the Acts respecting Division Courts," shall extend and apply to the said District of Muskoka, and to the several Courts established in the said District and to the proceedings in such Courts, in the same manner, and with the like effect, as if they, and each of them, were here inserted and re-enacted and made applicable in express terms to the said District.

8. The several instruments mentioned in clause number seven of chapter forty-five of the Consolidated Statutes of Upper Canada, entitled, "*An Act respecting Mortgages and Sales of Personal Property*," when made or executed within the said District of Muskoka, or affecting personal property therein, shall be registered in the office of the Clerk of the First Division Court of the said District, at Bracebridge, and when so registered, shall have the like effect as similar instruments executed in any County of this Province have, when registered in the office of the Clerk of the County Court of the proper County.

BILL.

An Act to make further provision relating
the Territorial District of Muskoka.

First Reading, 15th January, 1869.

Attorney-General MACDON.

TORONTO

PRINTED BY HUNTER, ROSE & CO.

1st Reading 20 January 1869
2 " 21 " "
3 " 21 " "

ATT. GEN. MACDONALD. 32 Vic. 1869

No. 141.]

BILL.

[1689.]

An Act respecting Lands sold for Arrears of Taxes.

1. No proceeding shall be had or taken in any suit or action now pending in any Court of law or equity, nor shall any suit or action be brought or prosecuted in any such Court in which any sale, or alleged sale, of lands for arrears, or alleged arrears of taxes, or the title derived, or claimed to be derived, from or through such sale, shall or may be impeached, invalidated, or brought in question, until after the end of the next ensuing Session of the Legislature of this Province; but no action or remedy of any party, for or in respect to any such lands, not now barred by the statutes of limitation, shall be held to be barred by the said statutes until after the expiration of three months next after the end of the said next ensuing Session.

2. All rights, titles, liens and claims that may or shall have been acquired or may be claimed to have been acquired in or to any such lands, by deed, devise or otherwise howsoever, from the first day of January, one thousand eight hundred and sixty-nine, to the end of the said next ensuing session of the Legislature inclusive, shall be subject to all such relief remedies and enactments as shall be made or provided by the said Legislature during the next ensuing session thereof: But nothing herein contained shall be held or construed to affect official sales of lands for arrears of taxes in the mean time by the proper officers to whose duty such sales appertain by law.

No. 141.

2nd Session, 1st Parliament, 32 Victoria, 1869

BILL.

An Act respecting Lands sold for Arrears
of Taxes.

First reading, January 19th, 1869.

Hon. Att'y-Gen. MACDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

1 - Reading 23 January 1869
Discharged 23 " "

No. 142.]

BILL.

[1868.

An Act respecting the Police.

WHEREAS it is expedient to establish a general Constabulary Force for the Province; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

5 **1.** There shall be in and for this Province a Constabulary or Police Force, to be constituted as herein provided.

2. The Lieutenant-Governor may under an Order in Council, appoint by Commission under his hand and seal at arms, a Commissioner of Police, who shall hold his office during pleasure.

10 **3.** In case the said Commissioner shall not be a Justice of the Peace, the Lieutenant-Governor in Council may appoint the said Commissioner a Justice of the Peace in and for this Province, and no property qualification shall be necessary for the appointment or action of such Commissioner, but such appoint-
15 ment shall not authorize the Commissioner to act as a Justice of the Peace at any Court of General Sessions, or in any manner out of sessions or otherwise than in carrying into execution the purposes of this Act.

4. The Lieutenant Governor in Council may from time to
20 time, authorise the Commissioner to appoint by Warrant under his hand and seal, such numbers of Sergeants of Police and Police Constables as the Lieutenant-Governor may think proper, not exceeding First Class Sergeants
Second Class Sergeants, and Constables, who
25 shall respectively be selected by the Commissioner of Police under the provisions hereinafter made, and such Constables shall be divided into two classes.

5. The officers of the Police Force shall take rank and have command therein in the following order, that is to say; the
30 Commissioner, the first class Sergeants, the second class Sergeants and the Constables.

6. Officers of the same grade employed together upon the same service shall have command according to seniority, and Constables of the first class shall, in the absence of Sergeants,
35 command those of the second class, and the duties of each shall be such as are assigned to them respectively by this Act, or as may be assigned to them by the rules to be made under the authority thereof.

7. No person shall be appointed a Police Sergeant or Con-

stable unless he is of a sound constitution, active and able-bodied, of the age of nineteen years or upwards and under forty, of good character, and able to pass a satisfactory examination in reading, writing and arithmetic.

8. No person shall exercise any office or charge in the Force 5 until he has taken the following oath of office :—

“I, A. B., solemnly swear, that I will faithfully, dilligently, and impartially execute and perform the office of in the Police Force of the Province of Ontario, and all the duties of the said office, and will well and truly obey all lawful 10 orders or instructions which I shall receive as such, without fear, favor or affection, of, or towards any person or party whomsoever. So help me God.” Which oath shall be taken by the Commissioner before a Judge of one of Her Majesty's Superior Courts of Law or Equity in this Province, and by the other 15 officers and members of the Force before the Commissioner. And the said oath shall be subscribed by the person taking it, and shall be retained by the Judge or Commissioner by whom it shall have been administered, to make part of the Records or Documents of his Court or Office, and he shall deliver to the 20 person taking the same a Certificate of such taking.

9. Every officer and man of the Force shall, from the time of his having taking the oath of office, and so long as he continues such officer or policeman, be a constable for the whole Province of Ontario, and may execute the said office in any part thereof, 25 and shall serve under articles of engagement, the form of which shall, from time to time, be settled and approved of by order of the Lieutenant-Governor in Council for the use of the Force.

10. Every serjeant or constable of the force shall, on entering the same, sign to Her Majesty articles of engagement to be 30 prepared by the Commissioner, and any penalty which may therein be assigned for any breach thereof may be enforced against him in case of breach on his part. One condition in the articles shall be that he shall not leave the Force or withdraw from the duties of his office, unless he is dismissed or discharged 35 therefrom, or has previously given at least thirty days notice in writing to the Commissioner of his intention to leave. The articles shall be signed by the Commissioner or the senior officer in charge of the Force at the time in his own name on behalf of Her Majesty. 40

11. It shall not be necessary for a constable on taking any other grade in the Force to sign any new or other articles of engagement unless he is required to do so by the Commissioner. And unless new articles are signed the articles first signed shall continue to apply; but any person taking upon himself 45 a new office or charge in the Force shall take the oath of office with reference to the same.

12. Any sergeant or constable may be suspended from his charge or dismissed by the Commissioner, and such dismissal shall take effect from the time it is made known, either orally or in 50 writing, to the party dismissed; and any officer or man suspended or dismissed shall forthwith deliver up to any officer of the Force demanding the same his arms and accoutrements, and

all property used for police purposes in his possession or charge, and by this Act vested in the Commissioner, and for refusing or neglecting so to do, such sergeant or constable shall incur a penalty of _____ or imprisonment for _____

5 13. The sergeants and constables shall be lodged in barracks or quarters provided for the purpose by the Province; at each place where any of them are stationed, and they shall not without express permission of the proper officer leave the same when not on actual duty.

10 14. The Lieutenant-Governor in Council shall appoint the place at which headquarters of the force shall be, and where the office of the Commissioner shall be kept; and there shall be at such place or at such other place as the Lieutenant-Governor in Council appoints, and in addition to the barracks or quarters for the force (if any) doing ordinary duty there, a Police Force
15 Depot, which shall have sufficient accommodation and ground for lodging, training and exercising any recruits for the police, or reserve men not doing duty at any particular place.

15. The uniform, arms, training and discipline of the Force shall be such as the Commissioner from time to time prescribes
20 with the approval of the Lieutenant-Governor in Council, and any number of the officers and men of the Force not exceeding _____ may be mounted, and serve either altogether or on particular occasions on horseback.

25 16. The Lieutenant-Governor in Council shall have power from time to time to appoint, if necessary, an Inspector of police to examine and report upon the condition of the Force, and the Commissioner, officers and men of the police shall give such Inspector all such information as he may desire which they are possessed of relating to the Force, and shall attend before him when and where he may require them, and shall exhibit to him
30 all books, papers and documents whatsoever relating to the Force which he may require, and he shall have power to examine any officer or man of the Force under oath or affirmation in matters respecting his inspection and enquiry, and to administer such oath or affirmation.

35 17. The Commissioner shall, with the approval of the Lieutenant-Governor in Council, from time to time make rules for the government of the force, and of the several officers and men thereof in all matters hereby made, subject to the control of
40 the Commissioner and of the Lieutenant-Governor in Council, and by such rules he may impose penalties not exceeding in any case _____ days' pay of the offender for any contravention thereof, and may direct that such penalty, when incurred, may be deducted from the offender's pay, and such rules not being
45 inconsistent with this Act shall have force as if enacted herein.

18. The Commissioner shall have power to direct which of the Officers and Men of the Force shall be stationed at each place where a force is stationed under this Act, and to move them from place to place; and it shall be his duty from time to time, and in
50 his discretion, to change their respective stations.

19. It shall be the duty of the Commissioner, as far as may be

practicable, to encourage merit and faithful service in the Police Force, by promotion, and to punish negligence or misconduct by fine, reduction or dismissal.

20. When the Commissioner deems it advisable to make an enquiry into the conduct of any officer or man of the force; or into any complaint against any of them, he may examine any person on oath or affirmation on any matter relative to such enquiry, and may administer such oath or affirmation. 5

21. So soon as the Lieutenant-Governor in Council shall deem the Police Force sufficiently organized, a proclamation shall be issued, declaring that, upon, from and after a day to be therein named, this Act will come fully into effect, and that a Police Force will, thereunder, be stationed in each of the following Cities and Towns, that is to say, in each City in the Province at the time of the proclamation, and in the Towns of Belleville, 15 Clifton, Windsor and Sarnia, and when any Town in the Province becomes a City after such proclamation a Police Force shall immediately be stationed in such new City without a proclamation.

22. Sections 394 to 400, both inclusive, of the Act passed in the Session of Parliament of the late Province of Canada held in the 29th and 30th years of Her Majesty's reign intituled "An Act respecting the Municipal Institutions of Upper Canada," and also section 41 of the Act passed in the 31st year of Her Majesty's reign by the Province of Ontario intituled "An Act to amend the Municipal Institutions Act of Upper Canada, 29th and 30th Victoria, Chapters 51 and 52," are repealed. 25

23. Such number of officers and men of the force as the Commissioner shall from time to time determine, with the approval of the Lieutenant-Governor in Council, shall be stationed in each City, Town or place in which a force may be lawfully stationed under this Act. 30

24. The officers and men of the force stationed at any City Town or place shall have the especial charge that the peace be kept therein, and in the immediate neighbourhood thereof, but this shall not prevent their acting elsewhere or excuse them or any of them from so acting when lawfully required. 35

25. The Force stationed in any City or Town under this Act, shall be held to be Officers and Ministers of the Police Court therein, and for the purpose of executing its process and carrying out its lawful orders. 40

26. Each City or Town at which any part of the Force is stationed, shall repay to the Province two-thirds of the total expense incurred for the Force so stationed thereat, subject to the provision in the next following section. 45

27. No City or Town shall be bound to repay any part of the expenses incurred for any number of officers and men of the Force exceeding the proportion of one to every 100 souls of the population of such City or Town according to the then last census in either case, unless the number in excess of 50 such proportion shall have been stationed therein at the express

instance of the Municipal Council thereof, in which case such City or Town shall repay the whole expense incurred for such number in excess; and every Municipal Council shall have power to raise and levy all sums which the Municipality may be required to repay under this Act.

28. Notwithstanding any limitation hereinbefore made of the total number of Officers and Men of the Force, the Lieutenant-Governor in Council may upon the application of the Municipal Council of any City or Town, under the authority of a by-law thereof, empower the Commissioner to appoint such additional number of officers and men as may be requisite to enable him to make such addition to the Police Force in such City or Town as the said Council shall require and agree to pay the expenses of; and such application may be granted upon such conditions for securing such payment and as to the length of time for which such addition to the Police Force shall be required, and upon such other terms and conditions as to the Lieutenant-Governor in Council shall seem meet.

29. And whereas it is expedient to continue the provisions made in the Act hereinafter mentioned for the employment of a sufficient Police Force for the preservation of the peace, and the protection of the lives, persons and property of Her Majesty's subjects in the neighbourhood of Public Works, or Works undertaken by incorporated Companies on which large bodies of labourers are congregated and employed, making such Police Force part of that hereinbefore mentioned, and embodying such provisions in this Act as part of the general system of Police; it is therefore enacted that for the purposes aforesaid, the Lieutenant-Governor in Council may from time to time appoint not more than three Superintendents, and may authorize the Commissioner of Police to appoint not exceeding three Sergeants and three Constables, in addition to the numbers hereinbefore mentioned and limited, but to be to all intents and purposes during the period for which they shall serve part of the said Police Force, and to serve either mounted or on foot; provided the total number of officers and men so mounted shall not, with those who may be mounted under the foregoing sections of this Act, exceed one hundred.

30. Whenever the Lieutenant-Governor in Council shall consider that a sufficient Police Force has been organized under the next preceding section for the purposes therein mentioned, and for those of the Act passed in the 8th year of Her Majesty's reign, and intituled "An Act for the better preservation of the Peace, and the prevention of riots and violent outrages at and near Public Works while in the progress of construction," and of the Act passed in the Session held in the 14th and 15th years of Her Majesty's reign, and intituled "An Act to continue an Act passed in the 8th year of the reign of Her Majesty, intituled 'An Act for the better preservation of the Peace, and the prevention of riots and violent outrages at and near Public Works while in the progress of construction,' and to extend the operation thereof to certain Works undertaken by incorporated Companies;" then the 13th, 14th, 15th and 16th sections of the first mentioned Act, and the 3rd section of the said secondly mentioned Act, shall cease to be in force upon, from and after the day to be named for that purpose in

a Proclamation to be issued under an Order of the Lieutenant-Governor in Council; provided always, that at any time after the passing of this Act the officers and men of the mounted Police Force in the said Acts, may be appointed and sworn as officers and men of the Police Force under this Act mentioned, 5 but shall nevertheless continue to serve and act under the said Acts, and to have the powers and duties hereby assigned to them, until the day appointed as aforesaid in the said Proclamation, after which they shall serve under this Act, and have the powers and duties assigned to them by it and by the 10 provisions of the Acts last aforesaid then remaining in force.

31. Whenever, after the day mentioned in any Proclamation under the next preceeding section, the Act first mentioned in the said section shall be in force and operation in any locality under any Proclamation issued under the said Act, or the Act 15 secondly mentioned in the said section, then such portion of the Police Force, organised under this Act, as the Lieutenant-Governor in Council shall, from time to time, direct, shall be stationed at such place or places within such locality as he or the Commissioner of Police, with his approval, shall appoint; and 20 it shall be their special duty to keep the peace, and enforce the provisions of the said Acts of this Act, and of the law within such locality.

32. If the work on the line of which any Police Force is stationed, under the next preceding section, be a Provincial 25 work, then the expenses incurred for such Force shall be repaid to the Receiver-General by the Commissioner of Public Works out of the moneys appropriated for the work, in respect of which such expenses are incurred, and shall be charged and accounted for as part of the cost of such work, and such ex- 30 penses shall be calculated according to the number of officers and men employed, and the time during which they shall be so employed, but the sum so expended in any one year shall not exceed ~~the sum of one hundred and fifty pounds~~ currency. And if the work on the line of which any Police Force shall be so stationed is 35 undertaken by an incorporated company, then the expenses incurred for such Police, calculated as aforesaid, shall be repaid to the Receiver-General by such company on demand.

33. If the Municipal Council of any incorporated Town, in which there is then no Police Force stationed under this Act, or 40 the Municipal Council of any County, or union of Counties, shall, by a by-law, declare it expedient that such Police Force should be stationed therein, stating the number required, and shall, by such by-law, provide the means of repaying to the Province the expenses of such Police Force, the Lieutenant- 45 Governor in Council may, in his discretion, upon the petition of such Municipal Council, accompanied by a certified copy of such by-law, issue a Proclamation declaring that upon, from and after, a day, to be therein named, such Town, County or Union shall be one of the places in which a Police Force shall be 50 stationed under this Act, and may authorise the Commissioner to appoint the additional number of officers and men required, and a sufficient Force shall be accordingly stationed therein while such by-law shall remain in force, and such by-law shall not be repealed without the consent of the Lieutenant-Governor 55 in Council.

34. And, in order that a sufficient Police Force may be at any time obtainable, to prevent or quell any riot or disturbance of the peace in any place, the Lieutenant-Governor in Council may, at any time, order such amount of Police Force, as he may deem expedient, to proceed to any place in this Province where such riot or disturbance may exist, or be apprehended, and whether there be or be not already a Police Force at such place.

35. In case of any such riot or disturbance, or apprehension thereof, in any place in the Province of Ontario, then if such place be a City or incorporated Town, a sufficient Police Force shall be sent to put down or prevent the same, upon a requisition in writing, addressed to the officer in command of the Police Force at any place, and signed by any Judge of one of the Superior Courts of Law actually holding the Court of Assize in such Town, or upon a requisition, addressed as aforesaid, and signed by the County Judge, or by the Sheriff of the County in which such Town is situate, or by the Mayor of such Town, and signed also (in addition to such County Judge, Sheriff or Mayor) by two Justices of the Peace, having jurisdiction therein. And if such place be not a City or incorporated Town, a sufficient Police Force shall be sent to put down or prevent such riot or disturbance upon a requisition in writing, addressed to the officer in command of the Police Force at any place, and signed by any Judge of one of the Superior Courts of Law, actually holding the Court of Assize in the County in which such place is situate, or upon a requisition, addressed as aforesaid, and signed by the County Judge of such County, or by the Sheriff thereof, or by the Warden thereof, and signed also (in addition to such County Judge, Sheriff or Warden) by two Justices of the Peace having jurisdiction in such County, or by two of the County Councillors, or by one such Justice and one such Councillor.

36. In every case where, under the two next preceeding sections, any Police Force shall be sent to any place, the expenses thereby incurred, including the pay of such Force while at such place, or going to or returning therefrom, shall be repaid to the Province by the Municipality of such place, if it be a City or incorporated Town, and by the Municipality of the County in which such place shall lie, if it be not a City or Incorporated Town, unless such place be on the line of some public work, or work undertaken by some incorporated company, and within a locality to which the Acts last above cited shall then extend, in which case, such expenses shall, if the work be a public one, be repaid by the Commissioner of Public Works out of the moneys appropriated for the work, and if the work be one undertaken by an incorporated company, then such expenses shall be repaid by such company.

37. The expenses to be repaid to the Province under the provisions of this Act shall form a debt due to the Crown from the City, Town, County or Company liable for the same, and may be recovered upon the certificate of the Commissioner of Police under his hand and seal, and being repaid or recovered shall be paid over to the Treasurer of the Province and form part of the Consolidated Revenue Fund.

38. No City, Town or Company shall, under the foregoing provisions, be chargeable with any portion of the salary of the Commissioner or Clerks.

39. The Lieutenant-Governor in Council may fix the pay of the officers and men of the Police Force; and of the Clerks employed in the office of the Commissioner, but such pay shall not in any case exceed the following rates, viz.:—

Of the Commissioner.....	£ PER ANNUM.
Of Sergeants of the First Class.....	"
Of Sergeants of the Second Class.....	"
Of each First Class Constable	S. D. PER DAY.
Of each Second Class Constable	"

40. There shall also be allowed to each Sergeant and Constable not exceeding the rate of per annum for his uniform or articles of uniform, to a like value, none of which is to be his property at any time, but is merely for his official use whilst a member of the Force.

41. The Lieutenant-Governor in Council may cause suitable ground and buildings for the purposes of this Act to be purchased, erected or leased, and the expense thereby incurred to be paid, but the total sum to be so paid for the erection or purchase of such buildings shall not exceed \$ in any year, nor shall the yearly sum paid for leasing any such buildings added to the interest of the sum then expended in erecting and purchasing such buildings exceed \$ in any year; Provided always, that proper station houses, lock up houses and the other buildings required for police purposes other than the barracks, drill ground and office of the Commissioner shall be furnished by each City, Town or place in which a Force is stationed, or if they be not so furnished, shall be procured under orders of the Lieutenant-Governor in Council, and the expense shall be repaid to the Province by such City or Town.

42. The Lieutenant Governor in Council may also authorise the payment of the expense of fuel and light for the Police Force, and of forage for not more than horses (including such as may be required under the 27th section of this Act), three of which shall be allowed at the headquarters of each Police District for the use of the police Force there, and also of a sum not exceeding \$ per annum for contingent expenses of the Commissioner's office.

43. The Lieutenant Governor may authorise the payment of such sum as may be required to defray the cost of horses as aforesaid, and of the requisite saddlery therefor, and of the arms and accoutrements of the sergeants and constables of the police Force at a rate not exceeding \$ for each man, but the total sum expended therefor shall not exceed exclusive of the sum required for carrying out the provisions of the 27th section of this Act; provided always, that all such horses, saddlery, arms and accoutrements and appurtenances of the mounted police raised under the authority of the Acts in the said sections mentioned, as belong to the Province shall be used for the purposes of this Act, and in reduction of the expenses under it, and shall be thereafter dealt with as if required under this Act.

44. The Lieutenant-Governor in Council may authorise the advance of the expenses to be incurred (not exceeding the rates hereinbefore limited) for any additional Police Force required by any city, town, county or company as aforesaid, or for moving any body of police on the requisition of the proper authorities of such city, town, county or company. such expenses to be afterwards repaid to the Province as aforesaid.

45. The Lieutenant-Governor in Council may also authorise the payment of any further contingent expenses necessarily incurred in carrying this Act into effect not exceeding \$ in any one year.

46. The Province will provide for the maintenance of any officer or man of the Police Force disabled in the performance of his duty as such, by an allowance not exceeding the salary or wages actually received by him under this Act at the time of his being so disabled, and such allowance may be paid him accordingly by order of the Lieutenant-Governor in Council.

47. The Commissioner may by any rules made as aforesaid, and approved by the Lieutenant-Governor in Council, establish a system of rewards, honorary or pecuniary, to the sergeants or men of the Force, who shall distinguish themselves in the performance of their duties, and also of retiring allowances to such of them as shall be discharged after long and faithful service, but no such retiring allowance shall be granted to any man under the age of years, or for less than years' service, or shall exceed one of the pay of such man at the time of his discharge, for every year's service, not reckoning any broken period of less than years, nor shall any pecuniary reward exceed days pay if given in one sum, nor the rate of per cent. on his actual pay, if given in the form of additional pay. either permanently or for a limited time, nor shall the expenditure under this section exceed the amount of the Special Fund mentioned in that next following.

48. For the purposes mentioned in the two next proceeding sections, all pecuniary penalties imposed by this Act, or any Rules to be made under it on officers or men of the Force, shall form part of a fund applicable to the said purposes, and be managed by the Commissioner with the approval of the Lieutenant Governor in Council. And if a system of retiring allowances be established the Commissioner may deduct a rate not exceeding per cent. from the pay of Sergeants and Constables to form part of the said Fund. But no money forming part of the said Fund shall be invested otherwise than in public provincial securities.

49. It shall be the duty of the Police Force, :—

1. To perform all duties which are now or shall be hereafter assigned to constables in relation to the preservation of the peace, the prevention of crime and of offences against the law or against the by-laws of the municipality in which they may be stationed or lawfully ordered to act, and the apprehension of criminals and offenders, and others who may be lawfully taken into custody otherwise than on merely civil process.

2. To attend upon the several Courts of Criminal Jurisdiction, held in the cities or towns in which they may be stationed, and to execute all warrants and perform all duties and services in relation thereto which may lawfully be performed by Constables.

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3. To guard the gaols of the cities or towns in which they may be stationed but not to act as Turnkeys.

4. To perform all duties which may lawfully be performed by constables in relation to the escort and conveyance of convicts, and other prisoners or lunatics to or from Gaols, Courts, Lunatic Asylums and other places.

5. To perform the duties assigned to any constables or police by or under the authority of the Acts hereinbefore mentioned for the preservation of the peace on Public Works or works in the course of construction by any incorporated company.

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6. And generally to perform all duties which constables or police officers may lawfully perform in the due exercise of their office.

7. And for these purposes and in the performance of all the duties assigned to them by or under the authority of this Act they shall have all the powers, authority and privileges which any constable now hath or shall hereafter by law have and shall obey all lawful orders which they shall receive from any Court or Magistrate, or from the Commissioner or any officer of the Police Force under whose command they may be.

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50. The fees and emoluments by law payable to any constable for the performance of any duty which shall hereafter be performed by any officer or man of the Force shall be payable by the same party to the Commissioner of Police, or such person as he may appoint to receive the same, and may be recovered by him in the same manner as without this Act they would be recoverable by the person entitled thereto, and being so received or recovered shall be paid over to the Treasurer of the Province, and make part of the Consolidated Revenue Fund towards making good the expenses to be incurred under this Act.

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51. Nothing in this Act shall be construed to prevent any duty which without this Act might be lawfully performed by a constable from being lawfully performed by a constable not belonging to said Police Force, but no such constable shall be entitled to any fee or emolument for performing such duty if such duty is to be performed within any city or town in which a Police Force is stationed under this Act, and there be a constable belonging to the Police Force then ready to perform the same.

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52. Nothing in this Act shall be construed to prevent the appointment of special constables in any case in which they may by law be appointed, but whenever such special constables shall be appointed in any city, town or place in which a Police Force shall be stationed under this Act, or to which a Police Force shall have been sent under the provisions of this Act upon the

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requisition of the proper authorities or the ordinary Constabulary Force shall be called upon to act in such last mentioned place, then if there be any sergeant or superior officers of the Force present, such special constables or ordinary constabulary Force shall act under and obey the orders of such sergeant or superior officers, and shall assist the Police Force in the execution of their duties, and while so acting and assisting shall have all the powers of Police Constables, but such special constables or ordinary constabulary Force shall be entitled to be paid in those cases, only in which they would be so entitled if acting alone, and if entitled to pay, shall be paid at the same rates in the same manner and out of the same fund as if acting alone.

53. Whenever any Military or Naval Pensioners enrolled as a Police Force under the authority of the Act passed in the Session held in the 14th and 15th years of Her Majesty's reign, Chap. 77, are called upon to act as Constables and Peace Officers, they shall be deemed Constables of the Police Force established under this Act, and shall be paid accordingly, and a like portion of the expense incurred by their being called upon so to act, or the whole, as the case may be, shall be repaid to the Province by the proper Municipality or Company, and while so employed as Constables and Peace Officers, such Pensioners shall obey the Officers of the Police Force hereby established in like manner as other Constables thereof.

54. It shall be the duty of such members of the Police Force as may from time to time be assigned for that purpose, to occupy, take charge of, and defend such Military Works and Posts in this Province as the Lieutenant-Governor in Council may direct to be so occupied.

55. When any person apprehended by a Policeman shall be charged only with an offence punishable by fine, and is brought to a Police Station after the hour of four in the afternoon, or before the hour of eight in the forenoon, any Sergeant or Superior Officer of the Police Force may receive from such person, and one good and sufficient Surety, a Recognizance in the Form annexed to this Act, in a sum double the amount of the highest fine which can be awarded for the offence with which the prisoner is charged, for the appearance of the prisoner before some Magistrate named or designated therein, at a time and place certain, and may then release such prisoner, and the recognizance so taken shall be good and valid.

56. Any warrant directed to any officer of the Force by his name or name of office may be by him endorsed to any one or more officers or men of the said Force, and may be then executed by the officer or man to whom it is endorsed, or any of them, as well as by him to whom it was originally directed, but all precepts, warrants, and process may be directed generally to all officers and constables of police, in which case such precepts, warrants or process may be executed by any one or more of them.

57. Any officer or man belonging to the force may, at any time, and without other warrant than this Act, enter into any house in which spirits, wine, beer, or intoxicating liquor of any kind is sold, or reputed to be sold, whether legally or

illegally, or any house of ill-fame, or any gaming house, or house in which any game of chance shall be unlawfully played, and search the same for the purpose of apprehending any loose, idle and disorderly persons, or any person violating the law or the by-law of the Municipality, and who may be there found; and upon information upon oath that there is reason to believe that any loose, idle and disorderly person is harboured or concealed in any house or building whatever, the Magistrate before whom such information is given may issue his warrant to any officer or man of the force to search such house or building, and apprehend any such person as aforesaid who may be found therein.

58. Every fine imposed under the authority of this Act, and so much of every fine or pecuniary penalty recovered upon the information or evidence of any officer or man belonging to the force as shall by law belong to Her Majesty, or to the informer or person upon whose evidence the same is imposed or recovered shall belong to Her Majesty for the purposes of this Act, and shall form part of the fund mentioned in the section thereof; and every officer and man belonging to the force shall be a competent witness in any prosecution or proceeding to recover such fine or penalty, or against any person liable thereto, notwithstanding his contingent interest in the said fund, and notwithstanding that he may be himself the informer or prosecutor; provided he has no more direct interest in the conviction, fine or penalty.

59. Any person who shall be accused of an offence for which he is liable to be arrested and given in charge to a Policeman by a credible person who shall comply with the requirements of the next following section, shall be taken into custody by such Policeman, although he may not himself have been a witness of the facts with which such person is charged.

60. When any person apprehended shall be brought to the Police Station by a Policeman to whom he has been given in charge by any person, and such Policeman shall not himself have been a witness to the facts authorizing the apprehension of such person, any Sergeant of Police may take a recognizance in the form of the Schedule from the person who has given the prisoner in charge to appear and give evidence at a time certain before some Magistrate named or designated in the recognizance, and such recognizance shall be valid; and such Sergeant may in his discretion discharge the prisoner, if such recognizance be refused; and any policeman may in his discretion in the case aforesaid refuse to receive the prisoner in charge, if the person giving him in charge refuse to accompany him to the Police Station.

61. If any person shall assault or resist any officer or man of the Police Force in the performance of his duty, or shall aid or incite any person so to assault or resist, he shall for such offence, in the discretion of the Magistrate before whom he shall be convicted, be committed to the Common Gaol there to be imprisoned with or without hard labour for a period not exceeding six months, or may be condemned to pay a fine of one hundred dollars, or to both the fine and imprisonment.

62. Any keeper of a tavern or house of public entertainment, or of any place where liquors or refreshments of any kind are sold to be consumed on the premises, who shall knowingly harbour or entertain any man belonging to the Police Force, or
 5 permit him to remain in such tavern, house or place, except for the express purpose of performing some duty imposed on him as a Policeman, shall for such offence be deprived of his license.

63. Every action and prosecution against an officer or man of the Police Force for anything done by him, as such shall be
 10 laid and tried in the County or union of Counties, where the act complained of was done, and shall not be commenced after the end of three months from the doing of such act, nor until one calendar month's notice in writing of the action, and of the cause thereof, shall have been given to the Defendant;
 15 and in any such action the Defendant may plead the general issue, and give this Act and the special matter in evidence at the trial; and no plaintiff shall recover in any such action if a tender of sufficient amends was made before the action was brought, or if a sufficient sum of money has been paid into Court by the Defendant after the action was brought.

64. If a verdict shall pass for the Defendant in any action referred to in the next preceding section, or the Plaintiff shall become non-suit, or discontinue the action after issue joined, or if on demurrer or otherwise, judgment be given against the
 25 Plaintiff, the Defendant shall recover his full costs as between Attorney and Client, and shall have the same remedy therefor as any Defendant has in other cases. And though a verdict be given for the Plaintiff he shall not have costs against the Defendant, unless the Judge before whom the trial takes place
 30 shall certify his approbation of the action and of the verdict therein.

65. All personal property purchased or acquired for the Police purposes, and not vested in any other person shall be vested in the Commissioner for the time being, in virtue of his
 35 office, and shall be divested from him on his death, resignation or removal, and shall pass to his successor, and may be so laid in any action, indictment or legal proceeding or instrument whatever, but shall be held and dealt with by him for the public uses of the Province, and the purposes of this Act, with full power
 40 nevertheless, to dispose of the same for the said purposes, subject always to such instructions as he shall receive in this behalf from the Lieutenant-Governor in Council.

66. If any person shall unlawfully dispose of, receive, buy or sell, or has in his possession without lawful cause, or shall refuse to deliver up when thereunto lawfully required, any arms,
 45 accoutrements, uniform or other thing used for Police purposes, and hereby vested in the Commissioner of Police, such person shall thereby incur a penalty not exceeding in the discretion of the Magistrate before whom he shall be
 50 convicted.

67. Any officer of the Police Force who is to receive money for the purposes of this Act, shall give security to Her Majesty in the manner provided by law with regard to other public officers entrusted with moneys belonging to the Province, and such

officer shall, as regards such moneys, and all books, papers, accounts and documents of or relating to his office be liable in case of any refusal or neglect to pay over or deliver the same when thereunto lawfully required to the same penalties and process to which an officer of the Provincial Revenue is liable in the like case, and such officer shall keep his books and accounts in such form, and make such returns at such times and with such vouchers as the Treasurer of the Province shall direct and require, and his account shall, in all respects, be subject to audit in like manner with those of any other public accounts. 5 10

68. Every officer and man of the Police Force shall, when on duty, pass toll free over any public bridge or road, the tolls upon which belong to the Crown, for the public uses of the Province, and shall travel free of charge upon all railways.

69. Every officer and man of the Police Force shall be disqualified from serving as a juror or in the militia or in any municipal office, and shall not be a member of the Legislative Assembly, or of any Municipal Council, nor vote at any election of a member of the Legislative Assembly or of any Municipal Council or Municipal Officer, nor shall by word, message, writing or in any other manner endeavor to persuade any elector to give or dissuade any elector from giving his vote for the choice of any person to be a member as aforesaid, so long as he shall serve in the Police Force; and if any such officer or constable shall offend herein, he shall be liable to be dismissed from his office; provided always, that nothing contained in this Act shall subject any such officer or constable to any penalty for any act done by him at or concerning any of the said elections in the discharge of his official duties so long as he shall serve in the Police Force, nor shall any officer of the Police Force act as a Justice of the Peace, except as before provided, and except in localities where the Act first mentioned in the 28th section shall be in force in and for which any first-class sergeant may be appointed, and act as a Justice of the Peace without the property qualification required of others acting elsewhere; and his warrant of commitment shall be in force and obeyed in any place to or through which the prisoner must be conveyed to the Common Gaol to which he may be committed. 15 20 25 30 35

70. All fines and pecuniary penalties imposed by or under the authority of this Act shall, whenever no other mode of recovery is hereby prescribed, be recoverable in a summary manner before any one Justice of the Peace, and the Acts in force in the Province of Ontario with regard to proceedings in cases of summary convictions, and orders out of sessions shall apply to proceedings for the recovery of penalties under this Act in so far only as they may not be inconsistent therewith. 40 45

71. No conviction order, warrant or other instrument, made or issued under this Act, shall be quashed for want of form, and no warrant of commitment shall be held void by reason of any defect therein. Provided it is alledged that the party has been convicted, the nature of the offence be stated, and there is a valid conviction to sustain the same. 50

72. Common reputation shall be held to be sufficient evidence of the due appointment of any officer or man of the

Police Force, and of his right to act as such without producing any appointment, or any oath or other matter in proof of such right.

73. All sums of money required to defray any expense authorised by this Act, may be paid out of the Consolidated Revenue Fund of this Province, upon warrant directed by the Lieutenant-Governor to the Treasurer of the Province; and such warrants may be made in favor of the Commissioner of Police to enable him to pay such expense, or in favor of the party directly entitled to the money.

74. Provided always that no sum of money shall be expended for the purposes of this Act, until the same has been first voted in the annual estimates.

75. A detailed account of all moneys advanced or expended under this Act shall be laid before the Provincial Parliament during the then next session thereof.

76. The due application of all moneys advanced or expended under the authority of this Act, shall be accounted for in such manner and form as the Lieutenant-Governor shall direct.

77. The Interpretation Act shall apply to this Act, and to all rules and orders to be made under it, and this Act shall be known and may be designated as the "Police Act" in any instrument or proceeding whatever.

78. This Act shall come into force from the time of its passing as regards the organization of the Police Force, and all matters thereunto relating; but so much thereof as relates to the powers of the officers and men thereof as Constables, or to offences by others than officers and men of the said Police Force, shall come into effect upon the day appointed for that purpose in the Proclamation to be issued under the 18th section of this Act, except that in localities where the Acts mentioned in the 28th section shall be in force, this Act shall also be fully in force upon, from and after the day mentioned in the Proclamation to be issued under that section, as that on which certain sections of the said Acts shall cease to be in force.

No. 142.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act respecting the Police.

First reading, Jan. 23, 1869.

Attorney-General MACDONALD.

TORONTO:

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